Syaḥrûr Subjective Hermeneutic Controvertion of Non-Marital Marriage Interpretation

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Abstract

In modern reality, exist an intersection between hermeneutic applications based on the motivation of war and peace. The existence of subjective hermeneutics is identical as a breakdown in every difference but the fact that it raise chaos ignores the interpretation of synonymity change into regressive sophistic interpretation. The purpose of this research is to place subjective hermeneutics as a study of the free interpretation of sophia claims discipline (wise) with the assumption that it gives birth to renewable ethical polarization and also progressive. This research is a library that is used to answer specific problems directly that raises the perspective of truth claims of interpretation that is different from the old interpretations. The results showed that subjective hermeneutics should conciliate collaborations of narrative (haggadic interpretations), prescribed ways of life (halakhic rules) and (meaningholders of early texts (masoretic sources). But subjective hermeneutics propagates authoritative hermeneutics that distinguishes between original (competent) meanings and non-original (non-competent) meanings. Syaḥrûr through subjective hermeneutics uses perversion (taḥrîf method) from the word in Qur'an such as lawful ownership (milk yamîn), solemn convenant (mîthâq), adultery (zinâ) and illegal sexual intercouse (fawâḥiš) to initiate non-marital marriages.

Keywords: Hermeneutics, Non-Marital Marriage, *Milk Yamîn*

Abstrak

Dalam realitas modern terjadi persinggungan antara aplikasi hermeneutik berdasarkan motivasi kedamaian atau perang. Eksistensi hermeneutik subjektif identik sebagai pelerai dalam setiap perbedaan namun faktanya hermeneutik subjektif menimbulkan chaos mengabaikan interpretasi sinonimitas berpindah ke dalam interpretasi sophistik regresif. Tujuan penelitian ini mendudukkan hermeneutik subjektif sebagai studi interpretasi bebas disiplin klaim shopia (wise) dengan asumsi melahirkan polarisasi etika yang terbarukan bersifat progresif. Penelitian ini merupakan pustaka yang digunakan untuk menjawab persoalan khusus secara langsung yang menimbulkan perspektif klaim kebenaran interpretasi yang berbeda dengan tafsiran lama. Hasil penelitian menunjukkan seharusnya hermeneutik subjektif mendamaikan kolaborasi makna haggadic (naratif), aturan halakhic (aturan hidup) dan sumber masoretic (pemegang makna teks awal). Tetapi hermeneutik subjektif mempropaganda hermeneutik otoritatif yang membedakan antara tafsiran original (kompeten) dengan makna non original (non kompeten). Hermeneutik subjektif Shahrur menggunakan metode taḥrîf (penggeseran makna) dari kata al-Qur'an yaitu milk yamîn, mîthâq, fawaḥiš, dan zinâ untuk menggagaskan perkawinan non marietal.

Kata Kunci: Hermeneutik, Perkawinan Non-Marietal, *Milk Yamîn*

Introduction

The development of hermeneutics today rivals the interpretations of the *mufassirin*, resulting in a reshuffle, deconstructionist, and idea renewal of the old interpretation for modern purposes. The coefficient of interpretation between worth and requirement sometimes produces a gap between the importance of new interpretations to solve problem on modernity requirements. Subjective hermeneutics is faced with choices leading tosabotaging old idea or cause chaos on sacred values from old interpretations. Each interpretation of the Scriptures may lead to "interpretations of conflict triggers" or "interpretations of encouragement of glory" depending on cognitive discrimination.

This can be seen from Abdul Aziz's dissertation session at Yogyakarta Islamic University that led to the controversy over the idea of marriage between legal and non-marital, permanent and temporary. This dissertation focuses on combination of words used by Syaḥrûr between the words *zinâ* (adultery), *mîthâq, milk yamîn*, and *fawâḥiš* to deduce a unity of Syaḥrûr's thought on a marriage contract without coercion. MUI has issued a fatwa dated on September third, 2019, stating that the result of this dissertation analysis has shifted positive laws to conflict with *syara'*, moral norms (*urfan*) values and legal norms by shifting into non-marital sexual behavior and suspected as permittance of prostitution, dating, and cohabitation based on *milk al-yamîn* term which means "partnership." The response to the problem above puts subjective hermeneutics on backfire, pressing the new situation in ethical confusion. Therefore Amir offers subjective hermeneutics with theoretical approach of the *Cum Maghza* idea theory to synergize the literal idea with the classical interpretation, comparing the micro and macro ideas risen from the verse to achieve dynamics idea.[1] Fatah states subjective

hermeneutics elaborates the theory of ecological interpretation as natural communication of thematic anthropocentric verses with realism interpretations. This as a discourse on testing the interpretation feasibility of intellectuals to evaluate the contextual level relevancy towards certainty of the anthropocentric spirit by confronting the natural system with the highest value that most appeals to humans.[2] Hery expects each receptive hermeneutics of interpretation on al-Qur'an text necessarily have functionalism and pragmatism values for human importance's, with urgency on horizon of the past being connected to the present based on regressive and progressive considerations.[3] Qimyatussa'adah states that subjective hermeneutics is not bound by a paradigm of social disclosure and social performance through non-linearity regression analysis, yet occasionally shownvoluntary disclosuretrait.[4] Lutfi tends to assimilate subjective hermeneutics with Islamic jurisprudence law (*fiqhiyah*) traits and should break of from singular idea. Thus subjective hermeneutics uses multi-interpretation ideas without coercion and authoritarianism according to the author's capacity based on the comprehension to God's revelation.[5] Victoria puts hermeneutics as a subjective value in the form of a compromise of old comprehension with new ideas applied to the al-Qur'an, allowing variant guidances to appear. Therefore, the interpretation of the al-Qur'an is necessary to comply with science and doesn't sceptic or criticize sacred values.[6] Zuhri

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[1]Abdul Muiz Amir, "Reinterpretation of QS. al-A'raf (7): 11-25 on Hoax: Hermeneutics Study of Ma 'na-Cum Maghza," *Jurnal Ushuluddin* 27, no. 2 (2019): 213.

[2]Abdul fatah and Imam Taufiq, "Enviromental Interpretation: Hermeneutics Analysis of The Interpretation of Anthropocentric Verses in al-Qur'an," *Jurnal Ushuluddin* 27, no. 2 (2019): 194.
[3]Musnur Hery, "Hermeneutika Insider-Outsider: Studi atas Pengaruh Hermeneutika Barat Terhadap Hermeneutika Islam," *Tamaddun: Jurnal Kebudayaan dan Sastra Islam* 18, no. 2 (2018): 124-125.
[4]Qimyatussa'adah, "Perspektif Interpretatif-Hermeneutik," *Jurnal Aksi* 1, no.1 (2017): 24-25.
[5]Khabibi Muḥammad Luthfi, "Aktivasi Makna-Makna Teks dengan Pendekatan Kontemporer: Epistemologi Hermeneutika Subjektif Fiqhiyyah El-Fadl," *Jurnal Theologia* 28, no. 1 (2017): 207-230.
[6]Argo Victoria dan Abdullah Kellib, "Kontroversi Hermeneutika Sebagai Manhaj Tafsir," *Jurnal Hukum Khaira Ummah* 12, no. 1 (2017)

accumulates subjective hermeneutics to criticize coerced idea out from textual meaning following a broad range of ideas so that jihad's even as before was interpreted as war changes its meaning into an earnest effort towards others. Subjective rationalist and revivalists to eliminate the meaning of rigidity and rigorous interpretation of the al-Qur'an which essentially all interpretations are relevant to Islamic law through subjective hermeneutics.[7]

The development of subjective hermeneutics today has changed the interpretation of the Scriptures from exoteric interpretations towards anachronism and deconstructionism of the Scriptures. Hermeneutic criticism allows a division of meaning on interpretation in an open discourse from ranks as an ultimate truth when explicitly given birth to regressive sophistic. Every interpretation that is born of subjective hermeneutics actually stays in the path of *sophia* (wise) without breaking through immorality, non-meaning, disability, and non-acceptance. In reality, hermeneutics in line with *verstehen* (human understanding) leads to the subjective meaning of infinite.[8]

Therefore, changes in the Islamic world have been identified with the idea of *rethinking*, *reconstruction*, and *rebuilding,* so the comprehensive diversion of the al- Qur'an from Islamic law (*fiqh*) which is theoretical and normative in nature revolves around Islamic religious formalism into contextual Islamic law as the present sociological legal formal. Subjective hermeneutics will be used in the dimensions of manipulative interpretation (intangible), leading vision (leading edge) and predictive construction.[9]

Definition of Syaḥrûr's Subjective Hermeneutic

Hermeneutics comes from the words spoken by Aristotle, *hermeneuein* or *hermeneia*, which means "to announce," "to explain" and "to translate."[10] Sometimes it also means "to express" through "to say" (offer opinion).[11] Even hermeneutics at a certain level is understood as "to set forth." Therefore the interpretation based on "to explain" will direct an interpretation based on feasibility of the meaning towards the Scriptures contents while through pattern "to interpret," it will decipher ambiguous into revealed meanings.

Subjective truths are based on justifications towards feeling of sublimeconsideration that connects feelings of objective reflection on the emotional and psychological basis in justifying certain ways of the overall consideration.[12] In subjective hermeneutic studies which follow pattern of comprehension according to Søren Kierkegaard who says every age has witnesses of truth, where humans occupy themselves as them.[13] Truth in subjective hermeneutic perception expresses that meaning comes from feelings and subjective perception from the mind.[14] Therefore objective truth will compete with subjective truth as an extraordinary personal appreciation of each other's belief that truth exists in all minds.[15]

Syaḥrûr introduced method of criticism and contemporary intellectual trends in the al-Qur'an comprehension.[16] Subjective hermeneutics are imaginative as his dreams of the interaction on patient's interior world with deepest meanings

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[7]M. Nurdin Zuhri, "Hermeneutika al-Qur'an: Tipologi Tafsir Sebagai Solusi Memecahkan Isu-Isu Budaya Lokal Keindonesiaan," *Essensia* 13, no. 2 (2012): 249.

[8]Josef Bleicher (ed), *Contemporary Hermeneutics* (London: Routledge and Kegan Paul, 1980), 1.

[9]Dean R. Spitzer, *Transforming Performance Measurement: Rethinking the Way We Measure and Drive Organizational Success* (New York: Amacom, 2007), 78.

[10]Richard Palmer, *Hermeneutics* (Evanston: Northwestern University Press, 1969), 21-32.

[11]Ibid., 13.

[12]Eva Antal et. al. (ed.), *Contemporary Perspectives on Language, Culture and Identity in Anglo American Contexts* (UK: Cambridge Scholars Publishing, 2019), 143.

[13]Roger Poole, *Kierkegaard: The Indirect Communication* (Virginia: The University Press of Virginia, 1993), 250.

[14]Ibid., 149.

[15]Ibid., 158.

[16]Ron Shaham, *Rethinking Islamic Legal Modernism: The Teaching of Yusuf al-xQaradawi* (Leiden: Brill, 2018), 88.

of his dreams or experiences.[17] Indeed it is incomprehensible of two words in the al-Qur'an which have the same meaning.[18] Syaḥrûr acknowledged that every human being is only capable of birthing temporal interpretations while perfect interpretation (ta'wîl muṭlaq kâmil) can only be the one totally presented by God namely the Prophet Muḥammad who births perfect, absolute and eternal interpretations.[19] Syaḥrûr's interpretation is not a suggested interpretation on the ta'wîl between believers or not, Muslim or not, Arabic or non-Arabic which means an approach to defamiliarized interpretation so the natural controversies of Syaḥrûr's work debate outside the framework of the Muslim-Arab world.[20]

Syaḥrûr asserted that the interpretation of the tanzîl ḥakim is identical to the al-Qur'an comprehension which has a very historical pattern so that mufassir interpret according to the limited historical context in which the tanzîl ḥakim outlines more religious obligations (mafrûḍah) in the postulates of the reality of one Arab nation only.[21] Tanzîl ḥakim has not been found by one who can describe it in the most perfect comprehension. Syaḥrûr considers the importance of re-reading the al-Qur'an means as an effort to recognize the information that can be cultivated (ma'lûmat muktasâb) found in comprehension due to differences in ability to explore science (mudârik) and ability to express (ma'ârif) in a permanent progressive conception.[22] Every comprehension of the verses in the al-Qur'an determined by the place of the social community.[23] Syaḥrûr long for development of civilized interpretation (tafsîr turâṣî) because his argument

was interpreted from the means of "kâmilah" in surah al-Baqarah verse 196, interpreted "kâmilah" did not affect the means of the Qur'an which must uphold the interpretation of the mufassirûn. This is Syaḥrûr's controversy over interpretation so guidance nor darkness of tanzîl makes no fear of re-reading the certainty and truth of Kalam Allah.[24] The subjective hermeneutics of Syaḥrûr adopted the method of induction which the accumulation of social reality, civilization and consideration of Arab society, then comprehensive to natural law also its importance by considering aspects of the tanzîl ḥakim and its importance, then immediately applying it in the discourse of modernity so that the civilization system and civilized interests for modernized society.[25]

Syaḥrûr performs a subjective hermeneutic towards non-marital marriages from the word term in the Qur'an, that is adultery (zinâ) which is interpreted as a real heinous act (fawâḥiš 'alaniyah) while an abominable act that unreal (fawâḥiš bâthinah), that is zinâ which a kind of cruel act limited to joke (mubâṣara ġairu 'alâniyah) and considered not a zinâ but a heinous act that is only a sinful relationship between servant and his God.[26]

Syaḥrûr's subjective hermeneutic controversy towards interpretation of the word Mâmalakat yamînuhû means that justice refered to widows' children if one has a close relationship in a milk yamîn relationship with the widow.[27] Syaḥrûr postulated the comprehension of milk yamîn with guidance from surah al-Anbiya 'verse 91 which is understood by Syaḥrûr to be a young person who has a special relationship with his girl/boyfriend to adulthood. While based on surah al-Nur verse 33, that is a woman who is at risk of bound (submission) to her boyfriend. Whereas surah al-Nur verse 25 forbid from forcing women

[17]Mark Winborn, *Interpretation in Jungian Analysis: Art and Technique* (New York, Routledge, 2019), 58.
[18]Ron Shaham, 71.
[19]Suha Taji-Farouki, *Modern Muslim Intellectuals and The Qur'an* (Oxford: Oxford University Press, 2006), 284.
[20]Mashood S. Baderin, *Islamic Legal Theory*, Vol. 1 (New York: Routledge, 2017), 132.
[21]Shaḥrûr, *al-Qashashu al-Qur'ani: Madkhal ilâ al-Qashashi wa Qishshahu* (Beirût: Dâr al-Sâqi: 2010), 83.
[22]Shaḥrûr, *Takhfîf Matâbi 'i al-Irhâbi* (Beirût: Dâr Al-Sâqi, 2018), 249.
[23]Ibid.

[24]Ibid., 247.
[25]Shaḥrûr, *al-Qashashu al-Qur'ani...*, 84.
[26]Shaḥrûr, *al-Kitâb wa al-Qur'an: Ru'yatu Jadîdah* (Beirût: Dâr al-Sâqî, 2011), 64.
[27]Shaḥrûr, *Nahwu Ushûl Jadîdat li al-fiqh al-Islamî: Asâsu Tasyri' al-Ahwal al-Syakhsshiyah* (Beirût: Dâr al-Sâqî, 2015), 82.

into prostitution, as it is understood by Syaḥrûr then allow dating as a solution over prostitution. He emphasized that *milk yamîn* can only be done with women who have reached the age of marriage.[28] *Milk yamîn* which is interpreted in the early classical times of Islam with the system of slavery was changed into the meaning of *milk yamîn* marriage that is mutual affection marriage. So verse 24 of surah al-Nisa' is contextualized by Syaḥrûr to the comprehension that *milk yamîn* is an unmarried marriage of fellow free people (not slaves) based on mutual affection.[29] This is said by Syaḥrûr as non-marital marriages such as contract (*mut'ah*), dating (*al-misyâr*) and samenleven (*al-Masâkanah*) marriage.[30]

Syaḥrûr's interpretation as above was based on the knowing beyond the substance (*ma'rifa in'ikâs mâddiya*) which is more of an internal pattern of conflict caused by weak capabilities of human beings, then it is required to prioritize this comprehension to eliminate contradiction (*tanâqûḍ*). Every Muslim is unable to recognize interpretation level of original (*tajrîd*), imaginative (*taḳayyul*) and strict (*ibtikâr*), therefore prioritizing to scientific interpretation (*tafsîr 'ilmî*) in respond towards various problems.[31] Every comprehension is tied to civilization (*turaṭiyah*) and thought (*fikra*) as the basis for reference to the interpretation of modernity that every problem is bound by politics, ideology, and imitation (*taqlid*).[32]

Differences in identification and classification lead to necessity submission on measurable qualitative and quantitative principles in attraction towards political debate to accelerate the realization or postponement supported by assumption of how strong divine truth debate (*jaddâl tanâqûḍ*) about upholding the God, husband and wife debate (*jaddâl ajwâz*), debate

over night/day considerations, damage/piety (*jaddâl aḍdâd*) based on scientists principles and servants of God.[33]

The meaning contained in the Qur'an is fixed/provided protection ('*iṣma takwîniyah*) with the purpose of self-protection and self-prevention. Syaḥrûr limits ('*iṣma takwîniyah*) applicable only to *kauniyah* which is naturalthat requires *takwîn* (standardization), while on the other hand there is God's creature forbidden of change (*kâ'inât*) and the pluperfect (*kainûna*). '*Iṣma takwîniyah* are all the elements of law and tradition from the Prophet Adam to the Prophet Muḥammad era that became a way of life. The *mufassir* in their interpretation use the method of best responsibility (*hamman shahîhan*) instead of the problematics contained (*ṡaklan maḍmûman*). Syaḥrûr said that the view on obligation of the ('*iṣma takwîniyah*) for the Prophet and the Apostle generally disregarded the *tanzîl ḥâkim* because it was more important to stop contention contact (*ta'âruḍ*) along with maintenance of the charges ('*iṣma takwîniyah*).[34]

Interpretation for creature existence (*Kauniyah*) such as interpretations of *kimiyâ'* (soul motivation supplement), *faiziyâ'* (devising strategies), medical and mathematics (calculations). This is a natural demand from simple concepts raised into big concepts. This maximum usage of moderation in science is the basis of contemporary reading within the limits of worldliness and glory.[35]

Syaḥrûr shifted subjective hermeneutics, not into *kâ'inât* and *kainûnah* dimensions but *kauniyah* dimensions. *Kauniyah* adheres to the *sunnah*, *qanun* and *tasyri'* which places on *shairûrah* (processing conditions) and *shairûrah* (developing conditions) that continue to be conceptualized and non-permanent even though the text (Qur'an nâsh) remains permanent.[36] *Shairûrah* needs time to advance from the *kana*

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[28]Ibid., 83.
[29]Ibid.
[30]Shaḥrûr, *Al-Daulat wa al-Mujtama'u: Halaku al-Qurân wa Izdâharu al-Madâni* (Beirût: Dâr al-Sâqî, 2018), 156.
[31]Shaḥrûr, *al-Kitâb wa al-Qur'an...*, 177.
[32]Shaḥrûr, *al-Qashashu al-Qur'ani...*, 84.

[33]Shaḥrûr, *Dalîl Qira'ah al-Mu'âshirah li al-Tanzîl al-Ḥakim: al-Manhâj wa al-Mashthalahât* (Beirût: Dâr al-Sâqî, 2016), 75.
[34]Shaḥrûr, *Al-Sunnah al-Rasûliyah wa al-Sunnat al-Nubuwwah: Ru'yatu Jadîdah* (Beirût: Dâr al-Sâqî: 2012), 63-64.
[35]Shaḥrûr, *Takhfîf Matâbi...,* 249.
[36]Shaḥrûr, *Dalîl Qira'ah al-Mu'âshirah...*, 73.

(conception) process to the *shara* (becoming) process while the *shairûrah* process will continue unstoppably.[37] *Kâ'inât* is not an applied reality that it becomes problematic for the complexity of applying perfectionist interpretations. The meaning of *kainûna* as contained in *tanzîl ḥakim's* bright interpretation which the height of its means and filled with divinity that cannot be mocked by logic nor absolutely complicate even simpler but only the Apostle understands it as whole.[38]

Tanzîl ḥâkim is surah of the Qur'an by stipulation of one legal force with comprehension of heaven-hell, permanent-eternal, world-afterlife. Therefore Syaḥrûr encourages the means understood in the afterlife and cannot be used in comprehension of problems in the world. Therefore in the afterlife, only *kainûnah* and *shairûrah* are applicable but not *shairûrah*.[39] As for the *tutratsi* criticism for modern reading in creating contemporary progress based on the *makrûfiyah* (allowable) location of the 21st Century era while not as the first and last recitation in this era for the sake of enlightenment (*tanwîr*), civilization (*tatsqîf*) and change (*taghyîr*).[40]

Interpretation of Non Synonymity

Each interpreter uses *conditio sine qua non* (the truthness possible condition) with various additions and multiplications of meaning.[41] Subjective interpretation is difficult to achieve the accumulation of truth due to attachment to the elements of falsification and justification, opening opportunities for meaning contradiction of a Scriptural text between the meaning of the source and the target. Subjective hermeneutics is more intense using target meanings rather than source meanings.

Syaḥrûr interpreted the word *mîthâqan ğalîẓa*,

mitsaqa word was understood to originate from the word *watsaqa*. In Arabic utterances, the word *watsaqa* is found in the form of utterances such as *mauthiq*, *mîthâq*, *thiqah*, *wathîq*, and *withâq*. Therefore four words such as *wathiqa*, *waththiqa*, *wâthiq*, and *authâq* have one meaning, which is "bound by law". When the word *mîthâq* is generalized it is synonymous with the words agreement (*'ahd*), binding (*al-'aqd*) and *al-wa'd* (promise). The Arabs jurisprudence used the word *'ahd* in a will, while the word *al-'aqd* was used in marriage and the word *al-wa'd* was based on debt problems.[42]

Because *'aqd al-nikaḥ* and *mîthâq al-zaujiyah*, *'aqd al-nikaḥ* were understood to hasten the gift of dowry, this is called wisdom which officialy used to anticipate when the termination of *aqad* (promise) occurs. While *mîthâq al-jauziyah* interpreted as presenting fixed standard tranquility (*sakinah*), love (*mawadda*), and blessing (*rahmah*) based on surah Rum verse 21, with acquaintance (*ta'âruf*) means based on surah al-Hujurat verse 13, meaning *imsâk bil ma'rûf wa al-taṣrîḥ bil iḥsân* (preserved goodness and certainty in morality) based on surah *al-Baqarah* verse 229.[43] In social facts the events sequence of marriage begins with *mîthâq* then *'ahd*, then *wa'd*, then *'aqd* and finally *yamîn*. In social formalism where *mîthâq* is still seen lacking in ties then *'ahd* is not unified, then *wa'd* is oath of allegiance, then *'aqd* is the beginning of kindness and finally *yamîn* (full of faith).[44]

The Scriptures dominant interpretation uses the meaning of synonymity, which has no meaning other than that. In Arabic terms, it uses *murâdif* (synonym) which interpret every word of the Scriptures to the closest word without doubt. Synonymity is interpreted as "equal meaning" (*equipollent*) between words in the

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[37]Shaḥrûr, *Nahwu Ushûlu...*, 4.
[38]Shaḥrûr, *Dalîl Qira'ah al-Mu'âshirah...*, 72.
[39]Shaḥrûr, *Nahwu Ushûlu...*, 4.
[40]Shaḥrûr, *al-Qashashu al-Qur'ani...*, ii.
[41]Earl D. Radmacher dan Robert D. Preus, *Hermeneutics, Inerrancy and The Bible* (Grand Rapids: Academie Book, 1984), 505.

[42]Shaḥrûr, *al-Dîn wa al-Sulthah: Qira'atu Mu'âshirat li al-Ḥakîmiyah* (Beirût: Dâr al-Sâqî, 2014), 2.
[43]Ibid., 2-4.
[44]Ibid., 5.

Scriptures with local Arabic words.[45] The use of non-synonymity interpretations is a more symmetrical interpretation between *uḳrawî* and worldly resulting in the comprehensive horizon of the Scriptures expanded in order to support the formation of subjective hermeneutics.[46]

The interpreters and *fuqahâ'* interpret the word *mîthâqan ğalîẓa* (strong ties) as forever (*dawâm*), endless (*mu'abbad*) and continuation (*istimrâr*) which also called permanent marriage so the *aqad* is unknown to *tauqît* (period of time) and identical to temporary marriages including samenleven marriage (*maskana*), dating (*misyâr*) and contract marriage (*mut'ah*). Such marriages injure and tamper over the meaning of *mîthâqan ğalîẓa*.[47] Temporary marriages are a mutual affection, dating and *kumpul kebo* (samenleven) traits. Temporary marriage has happened in the *jahiliyah* era known as the era of liberal rationalism which later through prophecy went to perfect changes through Islamic legality.

Syaḥrûr's interpretation of the word *zinâ* is a real act of *fawâḥiṡ*. *Zinâ* is an act of sex in humans with persistence until it becomes a psychological situation where all community considerations are abolished.[48] Syaḥrûr claims that *zinâ* is a real heinous act that requires a whipping and 4 witnesses on the whipping. The full mention of *zinâ* is when happened on a mutual affection (*thau'iyah*) not a rape. When *râhin* (responsibility) is not due to the influence of pornographic films. *Fawâḥiṡ* (crime) has become apparent that denyhuman values and even differences in human nature. *Zinâ* whipping boundariesin descent

period are different, Syaḥrûr asserted that ijtihad should not bring the 80 lashes *zinâ* boundary into present ijtihad. Syaḥrûr considers the *fuqahâ'* will burden modern humans which thousands of them will be bound through *shari'ah*.[49]

Syaḥrûr understood the word "*an' aimânihim*"with *al-yamîn al-quwwah* (right hand). Then lean the sentence against the word *milk al-yamîn*, which means the ability to protect themselves so that it brings commendment for their abilities.[50]

Milk yamîn in the objective perspective is the accumulation of meanings from the text of the Qur'an from the *mâ malakat aimânukum*, *mâ malakat yamînuh* and *mâ malakat yamînuk,* these three texts have one understanding namely slavery (*raqîq*) from the *harbi* war. This slave genitals is lawful for his master's because master's are permitted to copulate him without marriage. The Qur'an allows master to treat his slaves as servants of his lust as well as his cattle keepers and others. Marriage without marriage based on these verses are not concerned with the intent, pleasure, and acceptance of the slave for his treatment from his master.[51] This verse does not applicable to non-slavery situations in modern times relationships such as partnership, dating, samenleven, contract marriages and dating widow with childbecause they have decent social strata of free people who fully apply Islamic law. Marriage between slaves and their masters does not include in *zinâ* such as samenleven, contract marriages, and dating with mutual affection based on the attachment of lust without contract ('*aqd*). Syaḥrûr's subjective hermeneutics uses the *taḥrîf* method which distorts the adjustment meaning to the principles

[45]Rudolf Carnap, *Meaning and Necessity: A Study in Semantics and Modal Logic* (Chicago: Chicago University Press, 1950), 43.
[46]Michael Sega, *Dreams, Riddles and Visions: Textual, Constextual and Intertextual* (Berlin: Walter De Gruyter, 2016), 140.
[47]See Abdu al-Hamid K a syak, *Fi Riqâb al-Tafsîr*, Vol. 1 (al-Maktabah al-Mishri al-Hadits, 2011), 447; al-Muzhaffar Yahya Ibn Muḥammad Hubairat al-Syaibani, *Al-Ikhtilafu al-A'immah al-Ulama'*, Vol. 2 (Beirût: Dâr al-Kitab al-Ilmiyah, 2012), 167; Abu Al-'Abas Ahmad ibn Ahmad Zuruq al-Fani al-Barnasi, *al-Nasa'ih*, Vol. 1 (2010), 64; Ali Ahmad Abdul al-Thahthawy, *Tanbîhu al-Abrâr bi ahkâmi al-Khul'i wa al-Thalaq wa al-Zhihâr* (Beirût: Dâr al-Kitâb al-Ilmiyah, 2003), 85.
[48]Shaḥrûr, *al-Dîn wa al-Sulthah...,* 174.

[49]Ibid., 174-175.
[50]Shaḥrûr, *al-Qashshash...*, 234.
[51]Maha Muḥammad 'Ali al-Tinawi, *Mâ Malakat Aimânukum* (Dimashq: al-Hali lil Tiba'ah wa al-Nashr wa al-Tauzi', 2011), 195; Atsiru al-Dîn Muḥammad Ibn Yusuf Abi Hayyan al-Andalusi, *Tafsir Bahru al-Muhith*, tahqiq 'Adil Ahmad 'Abdu al-Mauhir dan 'Ali Muhannad Mu'awwidh, Vol. 3 (Beirût: Dâr Kutûb al-'Ilmiyah, 2017), 222; see al-Khathib al-Syarbini, *Tafsir Sirâj al-Munir*, Vol. 1 (Beirût: Dâr Kutûb al-'Ilmiyah, 2017), 341.

of liberalism, modernism and humanism but clashes with the original understanding among *tafsîr* (interprets) and *fuqaha*. *Milk yamîn* is distinguished from *milk nikaḥ,* where *milk nikaḥ* has strict requirements so it is known that there is a legal marriage (*nikaḥ sahîh*) and illegal marriage (*nikaḥ fâsid*).[52]

While the non-synonymity interpretation is an interpretation of identical subjective hermeneutic as an expression of mental representation, a way of presenting a means based only on reason.[53] Subjective interpretation is also known as *verstehen's* tradition methodology, which is the meaningful language following the flow of individual experience in reading the social world. Finally, subjectivism is considered as clarification of understanding based on experience and testimony in individual lives. Almost all modern hermeneutics adheres to subjectivism rather than the conventional subjective tradition.[54]

In this case, Syaḥrûr does not hold firm on interpretations of the *tafsir* and *fiqh* regarding the interpretation of *milk yamîn*, which is that slavery is directed into understanding partnership (friendship), mutual affection and emotional attachments with their partners. Syaḥrûr provides interpretations based on the mind manipulation to which he observes by releasing holistic protection turning into non-synonymity understanding.

In this case, Syaḥrûr opposes his testimony that non-marital marriages are only for some people who want to do evil (*fawâḥiṡ*). In its perception, state must deal with legal and illegal marriages because many Islamic countries imitate the lifestyle model of non-marital marriages in British, Polish or other European societies. Syaḥrûr defines marriage as not just a bodily relationship between men and women but relies on the ultimate social value of inheritance and social fusion. But if there is also a partnership with another relationship, it is categorized by Syaḥrûr through his hermeneutics as *milk al-yamîn's* condition by including modern interpretations to defend the interests of men and women within the limits of hidden evil (*fawâḥiṡ bâṭinah*).[55]

The construction of subjective meanings forms plural meanings that are too flexible, creative and dynamic.[56] The subjective meaning is inconsistent and incompatible with proper life.[57] The whole language encompasses the meaning of subjective representation (*vorstellungen*) and subjective presentation (*erschenungen*).[58] Subjective interpretation will revitalize and focus on subjects that are relevant to one's thoughts and feelings.[59] Producing subjective proportional meaning will be influenced by myth, soul, gods, demons, and magic.[60] Subjective interpretation is like meaning that is presented by a paranormal who wishes to give the same legitimacy about subjective opinions to others.[61] Not all subjective and proportional emotional statements begin with "I like" stimulation and do not even include a part of his integrity and awareness due to insufficient demands, knowledge, training, background and special experiences.[62]

The subjective meaning is generally irrational or non-rational influenced by literature and culture, philosophical analysis and morality.[63] Subjective interpretation is more of a dream motif based on personal and archetypical meanings

[52]Ibnu Ḥajar al-Ḥaitami, *Tuhfat al-Muhtâj bi Sayarhi al-Minhâj*, Vol. 4 (Beirût: Dâr al-Kutûb al-'Ilmiyah, 2016), 478.
[53]Ruth Robbins, *Subjectivity* (New: York: The Palgrave Mac Millan, 2005), 23.
[54]Mark Addleson, *Equilibrium Versus Understanding: Toward the Rehumanizing of Economics as Social Theory* (New York: Routledge, 1995)*,* 69.

[55]Shaḥrûr, *al-Dîn wa al-Sulthah...,* 167.
[56]David L. Collinso, *Managing The Shopfloor, Subjectivit, Masculinity and Workplace Culture* (Berli: Walter De Gruyter, 1992), 31.
[57]Ibid., 179.
[58]Catalin Partenie dan Tom Rockmore (ed.), *Heidegger and Plato: Toward Dialogue* (Illinois: Northwestern University Press, 2005), 133.
[59]James Lett, *Science, Reason and Anthropology: The Princiles of Rational Inquiry* (Maryland: Rowman and Littlefield Publishers, 1997), 29.
[60]Ibid., 32.
[61]Ibid.
[62]Ibid., 34.
[63]Robert Hollinger, *Hermeneutics and Praxis* (Notre Dame: Universitas of Notre Dame Press, 1985), xi.

resulted from a way which are easily dependent on real personal and situations.[64] Because it is subjective, it will show meaning within the limits of expression that is unique to the text.[65]

The worries of subjective interpretation give birth to the ability of cognitive discrimination due to the ability of its knowledge below the threshold of estimation on representative science.[66] Starting from pre-understanding or pre-expression to comprehension then continues to be a conversation (conversation in public space) then proceed in the community, will eventually experience principle criticism and contextual trans going back to interest drove to recognition by assuming "do what might be interpreted"(Do what they do).

A subjective hermeneutic comprehension will refer to interpretations based on several choices including the first category, the principle discipline of man with God in the form of *taqwa* and obediencewith fear and love for Him; the second category, commitment attitude to God with controversy towards humans; the third category, human commitment to God, or an attitude of commitment to others by rejecting God; the fourth category, people who distort God or humanize God; the fifth category, people admit that pleasure comes from humans, not from God. Because subjective hermeneutics is open to individuals who hide respect over crime, there is an attitude of 'deception of the truth', and so with indirect communication can be known to what extent betrayal of boredom from godless. Thus a person can be known to study the cruelty of humans in God-Man consciousness.[67] Interpretation of the Scriptures is determined by

individualistic mysticism in terms of the ability and stability of thought power-packed with emotional emotions, psychological development, sensualism, and popularity. Syaḥrûr is categorized as a figure who views the attitude of love with fellow humans by opposing God.

The Complexity of the Intentions of Authenticity and Effect of Historicity

The giving of Scripture's (*šarḥ*) meaning will be obvious if the interpreter will begin to interpret it from the source of its meaning, for example the orientation of the reader with the orientation of the audience will be different in forming the interpretation "the reader in the text" or "the message of the text". The presence of considerations is seen by the interpreter as being prudent in providing the understanding with the assumption of being "the logics of gift" and "givenness" that requires deep reflection. There is a difference between God gave (the meaning of *tanzîl ḥâkim*) and Gifts of Holy Spirit (human interpretation) which based on the view of community of worshipers of God, will be more careful and learn it accurately.[68] Subjective meaning is not expressed according to the interest on Islam, even it is not relevant to constitutive truths.[69]

Syaḥrûr's point of view about *Lâ taqrabû al-zinâ* understood that *iqtaraba* (approaching) which means that meet, face to face, with *fawâḥiš* doer (vile). *Fawâḥiš* is interpreted as the way of taking care of genitals.[70] The difference between do no approach (*lâ taqrabû*) and stay away from (*ijtanibû*), then *ijtanibû* means to keep way from liquor (*ḳamr*), gambling (*maisir*), sacrifice idols (*azlâm*) and *inṣâb* (speculate to the arrows). The target of *ijtanibû* towards haram things, while *la taqrabû* is accompanied by feelings of curiosity

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[64]James Albert Hall, *Jungian Dream Interpretation: A Handbook of Theory and Practice* (Canada: Inner City Books, 1983), 112.
[65]Pierre Van Hecke, *From Linguistics To Hermeneutics: A Funtional and Cognitive Approach Job 12-14* (Netherland: Koninklijke Brill, 2011), 7.
[66]Steven G. Vick, *Degrees of Belief: Subjective Probability and Engineering Judgment* (The American Society of Civil Engineers, 2002), 208.
[67]Søren Kierkegaard, *The Soul of Kierkegaard: Selections from His Journals* (Dover Publications, n.d).

[68]Anthony C. Thiselton, *New Horizon in Hermeneutics; The Theory and Prctice of Transforming Biblical Reading* (Michigan: Zondervan Publishing House, 1992), 64.
[69]Graham Bird, *The Revolutionary Kant: A Commentary on The Critique of Pure Reason* (Illinois: Carus Publishing, 2006), 737.
[70]Shaḥrûr, *al-Dîn wa al-Sulthah...,* 161.

(*muẓannah*) and steps (*mukhaṭṭaṭ*). The thing of *ijtanibû* is far from our hope, whereas *lâ taqrabû* is more easily achieved by hand.[71]

In the verse *lâ taqrabû al-fawâḥiśa mâ ẓahara minhâ wa mâ baṭan*, the meaning of *fawâḥiś* is evil (*qâbih*) deeds, sometimes when *ẓâhir* (outer) and *bathin* (inner) are between man and woman or between men are called *zinâ* for man and woman and *liwâth* (homo) for man and man.[72] The state must not act for the perpetrators of the hidden *fawâḥiś* (*ma baṭana*) of how the state fabricates from the hidden into an act of *fawâḥiś* that *ẓâhir* (the bright one). The constitution of the ideal marriage is a long description but the ideal arrangement is the same age as the custom that can regulate civilians with clear *haram* provisions between the ownership rights of two parties (*musytarikah*) to be regulated by the state in general civil of *qanûn* law. However, if the preparation of *qanûn* of the ideal marriage *fâsiq* and *ẓâlim,* it must be able to be arranged those both things on the basis of the prohibition of God's law.[73]

Purposive subjective will lead to values, goals and functions being actualized according to the intensity of the self which is examined from archeological facts.[74] Purposive subjective is characterized by the use of language obtained from the interpreter that forms its subjective purposive. Purposive subjective uses the derivation of meaning from the freedom of language culture adapted into the Creator's text, causing an interpretation not to consider the consideration to reach understanding through text that is influenced by a simple axiomatic adage that all meanings are not limited by words, then every word is not limited by meaning. Purposive subjective meanings generally follow the influence of natural language that leading to the formation of ordinary meanings of words in the text.[75]

Truth is classified into two parts: definite truth (*qath'î*/the Truth) and *zhannî* (search for truth). Measured transformation is used for search for truth, therefore it continues until it finds new truths (search for new truths).[76] The truth will sometimes opposite to conventional customs. The truth of the Scriptures sometimes does not accept the understanding of meaning based on local culture, wisdom is considered local culture, other parts are non-primary, so even if the meaning is considered to be limited to secondary meanings that are not binding on the overall meaning of the word Scripture. Interpretation of Qur'an there is a strong dependence such as the existence of specialist interpreters who measured a high level of validity, reliability, accuracy and proxy in a very measurable performance.[77]

Mîthâqan ğalîẓa is mentioned 34 times in Qur'an, but in the surah al-Nisa' verse 21 explains that *mîthâqan ğalîẓa* means "bound by law " that the dowry is authorized to the holder of 'aqd (husband). Thus, it is obligatory to fulfill humanitarian elements such as calmness (*sakînah*), lovely (*mawadda*) and grace (*rahmah*) which is based on surah al-Rum verse 24, whereas based on surah al-Baqarah verse 229 includes unabridged (*wafa'*), truth (*shidiq*) andrida (*ikhlâs*), therefore requires *imsâk bi al-ma'rûf* and *taṣrîḥ bi iḥsân*.[78]

Inheritance of Interpretation

Subjective hermeneutics will illuminate cultural processes and changes at a small level that able to interpret sub-partials which sometimes the interpretation is not found before. The historical picture of culture that is through hermeneutics is understood based on texts and contexts. Historical culture is already present in traditional religious activities such as the creation

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[71]Shaḥrûr, *Nahwu Ushûl Jadidat...*, 75-78.
[72]Shaḥrûr, *al-Dîn wa al-Sulthah...,* 160.
[73]Ibid., 183.
[74]Aharon Barak, *Purposive Interpretation in Law* (New Iersey: Princeton University Press, 2005), 120.

[75]Ibid., 145.
[76]Spitzer, *Transforming Performance...*, 69.
[77]Ibid., 62.
[78]Shaḥrûr, *al-Dîn wa al-Sulthah...,* 76.

of myths, ceremonial agendas, moral forms and sources of authority.[79] Subjective hermeneutics is not open to interpretations of Islamic *turâṭ* (*Corpus Islamicum*), *corpus tafsir*, and *corpus jurist* (ulama) given that this interpretation still strongly holds on *mesoteric* meaning., There are three levels of *Corpus* Arab Qur'an: morphological annotations, treebank syntax and ontology semantics.

Syaḥrûr explored the meaning of *al-mîthâq*, that is the full giving of a husband to his wife in the form of '*iṣma* (self-preservation) and obedience (loyal), with a good who is in accordance with the joints of humanity in a lifetime, bound together by doing *'ahd* (promises) with a purpose to God that faithfully at a time when narrowness, healthy, sick, when having baby, getting old, and until separated by death.[80] *Mîthâq al-Jauziyah* is the human side which is bound between two parties who are bound by transfer the dowry and inheritance (*arṡ*) as documentation of marriage (*'aqd*).[81]

Human interpretation falls on a form of consistent being (*verstehend-auslegend*) from the understanding of the object itself as concerned with the possibility of conditions that occur.[82] Every interpretation should bring a more advanced civilization to an illegal character and legal standing by no longer reversing the law that was concrete (*sahih*) to obscurity (*syubhah*).

The text of the Scriptures in the interpretation will form four types of interpretation: acquisition (*mubaḥ*), prevention (*manzûr*), honorable (*maḥmûd*) and decay (*mazmûm*).[83] Subjective interpretation is as *kairos* while objective is *chronos*. *Chronos* is characterized by absolute, universal and objective, while *kairos* is interpretative, situational and subjective. An interpretation would merge with *kairos* or centric *chronos*. This depends on the majority of authority holder interpreting the power as a key to grassroots (followers/lower society), grassroots may be radical or harmonious. The subject's hermeneutics is top down to the rhythm in the grassroots area, sometimes using harsh *takfîriyah* which leads to war, provocative using slander (*fitnah*) th at results in physical clashes, claims of blaming other groups using heresy lead to physical contact, insistence on immediate improvement with *khilafiyah* leading to the hard debate.

Subjective interpretation creates figurative language that uses inner meanings and do not follow the rules of writing but rather the urgency of their meaning. There is no combination between what has been thought and written, which those are cannot be united between the spoken word meaning and the written text.[84] Modern interpretation emerges at all times and languages in Muslim societies using the broad interpretation which is a general description of the science of Qur'an.[85] Every subjective interpretation of Qur'an will not hold fast to the wise of Qur'an because it is like an interpretation in a white sheet that guides the lives of Muslims which woven into strands and in the substance of the knitting Muslim soul. The wise of Qur'an is in the inner of Muslim which contains certainty of the final of human life which is able to guide the elimination of evil diseases in the human body which leads to no loss of human glory.[86]

Corpus interpretation contains a broad of views that cannot change God's justice such as the position of gender in prayer, marriage, *farā'id* and *safar*.[87] In the *corpus* interpretation

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[79]Robert K. Johnston, *Reframing Theolology and Film (Cultural Exegesis): New Focus for an Emerging Discipline* (Michigan: Baker Academic, 2007), 129.

[80]Shaḥrûr, *al-Dîn wa al-Sulthah...,* 78.

[81]Ibid., 77.

[82]Michael Krausz (ed.) *Is There a Single Right Interpretation?* (Krausz (Ed.). (Pennsylvania State University Press, 2002), 64.

[83]Wajiyah Qanishwi, *Al-Nash al-Dîni al-Islam min al-Tafsiri ila al-Talaqqi*, Cet. 1 (Beirut: Dar al-Farabi, 2011), 428.

[84]George McCarthy, *Objectivity and Silence of Reason: Weber, habermas and Methodological Disputes in German Sociology* (New York: Routledge, 2017), 116.

[85]Assad Nimer Busool, *The Wise Qur'an: These are The Verses of The Wise Book: These are The Verses of The Wise Book* (USA: Exlibris, 2011), 18.

[86]Ibid., 16-17.

[87]Tarif Khalidi, *The Qur'an: Penguin Classic Deluxe Edition* (London: Penguin Books, 2006), i-iii.

containing narrative interpretation (*haggadic*), the determination of the way of life must not be changed (*halakhic*), the depositor of the initial text of the owner of the truth (masoretic) is the Family and Companions (*aṣ-ṣaḥāba*) of Prophet, then the interpretation of Qur'an must be in accordance with the interpretation understood by the Family and Companions (*aṣ-ṣaḥāba*) of Prophet. Masoretic understanding creates criticism of the oldest understanding will be opposed with the best reading now. In Islam in the compilation of older Qur'anic interpretations there existed in the days of the Companions of the Prophet who were always preserved until the Mujtahid era which said that the truth of the interpretation of Qur'an was determined by *sanad* as the essence of the process. Thus there is a limitation of the acceptance of the interpretation of Qur'an with the addition of material in the form of notes *sanad* (inheritance of meaning).[88] Thus the position of *corpus* of subjective interpretations is unknown and unreadable because the interpretation greatly differs from massoretic Qur'an. *Corpus* notes have been arranged into *corpus tafsîr* and *corpus fiqh*. *Corpus* of the Scriptures contains God's legislation and provisions for the manner of worship.[89]

The modern exegesis of Qur'an has become the subject of both Muslim perspective and critical non-Muslims. Al-Qur'an in the new interpretation will create a popular translation. All translations affect the same interpretation, therefore the combination of translation and exegesis becomes the 'open out' interpretation which is too far from the well-known meaning in the time of Prophet that he has transmitted to his Family and Companions. The principle of interpretation as an open interpretation but its openness is not to personal non-*rasikh* Islamic

science so that many interpreters in the modern era include orientalists, hypocrites and naturalists whose capability is not *haggadic*, *halakhic* and *masoteric*, making illustrations of Quranic scholars trying to reveal Qur'an meanings as its foundation with translation, on the other hand justification through reading guidance exegetically.[90]

Subjective interpretations lead to more contradictions due to the fact that subjective interpretations do not have the limits of weak (*ḍa'if*) opinion, and can be used as a hermeneutic conslusionof Qur'an.[91] Subjective reality as a modification illustrates some mysterious meaning based on an individual's subjective mentality which separates between perception and successive.[92] All considerations are not contained in the text but are subjective in a condition that is sensitive to overall human knowledge.

Reason and non-scientific facts in subjective hermeneutics are likely to be open as ethical interpretations or called virtue/false-true (*phronesis*), so non-scientific results in a more general understanding called judgment (*aphopantic*), therefore to avoid being subjective, each understanding must lead to a specific meaning.[93] Special meaning is the same as the meaning of synonymity that there is no massive meaning damage. Because of this, subjectivism is known as a personal who has individual qualities that are produced by the expertise and arrangement of how the science is structured hierarchically.

Milk yamîn in Syaḥrûr's perception of every marriage is based on *mîthâq* which is identical to containing all aspects of life but based on *tanzîl ḥâkim* (legality during the period of the descent

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[88]Hakan Çoruh, *Modern Interpretation of The Qur'an: The Contribution of Bediuzzaman Said Nursi* (Switzerland: Springer Nature, 2019), 16.
[89]Feras Hamza dan Sajjad Razavi, *An Anthology of Qur'anic Commentaries: On The Nature of The Devine* (New York: Oxford University Press, 2008), 350.

[90]Muḥammad Baqir Behbudi, *The Qur'an: A New Interpretation: In English With Arabic Text, translated by Colin Turner* (Richmnd: Curzon Press, 1997), xvi.
[91]Hendri De Lubac, *Medieval Exegesis: The Four Senses of Scripture* (Michigan: Eerdman Publishing, 2009), 96.
[92]Graham Bird, *The Revolutionary Kant...*, 467.
[93]Iulin Apostolescu (ed.), *The Subject(s) of Phenomenology: Rereading Husserl* (Switzerland: Springer, 2019), 368.

of the Scriptures) is limited by the relationship between the interests that leads to the fulfillment of his/her entire rights without destruction of the society and economic. Therefore, the historical order of *milk yamîn* is returned to the consideration of character after the death of Prophet. Modern life does not continue with the explanation of Prophet's time, so it is synchronized with the abolition of slavery to the partnership system.[94] *Milk yamîn* is only understood in Islamic history but there is no modern context found in this explanation because this concept is opposed by human rights values. Every marriage is bound by dowry (transfer of valuables), rights of divorce (*ṭalâq*),the time to be reunite ('*idda*) and inheritance.[95]

Subjective exegesis has something in common with value-free interpretations because each interpretation is returned to the person with the provision that all Scripture texts can be applied in life even if he/she has low knowledge as Muslims follow the pattern of free association in the West including marriage samenleven. This situation is certainly subjective exegesis not merely looking at Western traditions and then correcting the presence of the best values in Qur'an. Most of the ideas of rethinking, renewel and rebuilding the modern Islamic mind will release the correlation of harmony between the changes of old meanings to new meanings which will cause renewed understanding which sometimes seems to add to being complicated or too open and liberal.

Subjective Hermeneutics in Marital Orientation

Differences meaning of the text of the Scriptures due to cultural differences, there is a classification of differences between 'we' and 'them'.[96] The meaning of subjective interpretation always sets a meaning according to the reach of the subject.[97] Subjective interpretation is negative, that giving a text based on itself by explaining using the general elements of giving language, giving culture.[98] Typically, subjective interpretation is the use of 'meaning in the world'.[99] Subjective hermeneutics means that the interpretation of Qur'an is done by each individual without regard to the basis of Arabic grammar.

Syaḥrûr interpreted *Wa mâ malakat aimânuhum* surah al-Ahzab verse 50 and *mâ malakat yamînuk* surah al-Ahzab verse 38 were interpreted as *milk yamîn* meaning '*âbid* (slaves) which was obtained from the war (*harb*). *Milk yamîn* becomes halal to offer, touch and examine the body and may have intercourse without marriage. Then according to modern commentaries and (*fiqh*) jurisprudence, understanding *milk yamîn* beyond the limits such as acquisition *milk yamîn*, in classical studies, will be distinguished in the present that considering the time of slaves (*raqîq*) has ended. So based on *tanzîl ḥâkim*, *milk yamîn* is understood to be a contract between free people in terms of being manservant (*ḳaddâm*), maid and concubine. As a result, this case places Shari'a to regulate and safeguard the both rights.[100] On *tanzîl ḥâkim* confirmed that *milk yamîn* was appointed to slavery (*râqiq*) then Syaḥrûr expanded from the concept of slaves to the free. Surah al-Nisa' verse 24 explains the verse *mâ malakat aimânukum*, which is a woman who is divorced to be forbidden to her husband, but this does not apply to *milk yamîn* in the context of Syaḥrûr.[101] The difference between *Sirri* and *Misyâr* marriages is that it is explained that *Sirri* marriage follows the footsteps

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[94]Shaḥrûr, *Nahwu Ushûl Jadidat...,* 79.
[95]Shaḥrûr, *al-Dîn wa al-Sulthah...,* 75.
[96]Julian Thomas (ed.), *Interpretative Archaeology: A Reader* (New York: Leicester University Press, 2000), 115.
[97]James R. Mensch, *The Question of Being in Husserl's Logical Investigation* (Kluwer: Springer Science+Bussiness Media Dordrecht, 1981), 90.
[98]D. Jervolino, *The Cogito and Hermeneutics: The Question of The Subject in Ricoeur*, translated by Gorden Poole (Netherland: Kluwer Academic Publisher, 1990), 71.
[99]Vanessa De Gifis, *Shaping Qur'anic Worldview: Scriptural Hermeneutics and The Rhetoric of Moral Reform in The Caliphate of al-Ma'mun* (New York: Routledge, 2014), 116.
[100]Shaḥrûr, *Nahwu Ushûl Jadidat...*, 89.
[101]Ibid., 83.

of *Shari'a*, then financial support (*nafaqa*) and abode (*mâbit*) are stayed by the groom. While *misyâr* marriages do not fulfill *nafaqa* and home for his wife.[102]

Syaḥrûr based on al-Baqarah verse 229 concludes *milk yamîn* which is dating according to the agreement (*'aqd*). Based on surah al-Nisa' verse 33 *milk yamîn* is interpreted by Syaḥrûr to shift slavery by force to switch to slavery who like each other like (*'uqûd bi al-tarâḍi*). Willing to be a mistresses (*'uqûd qadama*) based on surah al-Nur verse 58 while willing as a maid (*'uqûd amal*) based on surah al-Nahl verse 71. While willing as a sexual partnership (*'uqûd nikaḥ*) based on surah al-Nur verse 5 and 6 means that there is not maintained genitals (*farj*) which is pointed to relationship that is bound by love.[103]

Syaḥrûr's subjective hermeneutics is more about opposition, also known as personal bias, there is a gap of the importance of an interpretation using the subjectivity in the realization of reality which understands as the acceptance of reason rather than the reality that is freely present and accepted on the whole of human reason.[104] Every logic has a subjective interpretation that is without limits but maintains the Ummah more urgently than the interests of causing conflict and misdirection. Subjective reality as a modification that illustrates some mysterious meaning based on an individual's subjective mentality which separates between perception and successive.[105]

The essence of the Islamic epistemology of Qur'an in understanding it is correlated with the context according to reality. The presence of modern science and also the investigation through laboratories, microscopes and telescopes can create a more concrete Qura'nic reference without arousing doubt of the human cognitive as a result of not being supported by the accuracy of the data. The use of the synonymity word (*murâdif*) both from the language of Qur'an to the language of the mujtahids such as Imam Syafi'î translates *mîthâqan ğalîza* into strong ties or the language of Qur'an into local and national languages. Without the meaning of Qura'nic synonymity it cannot be understood as well as possible because in order to arrive at an authentic meaning it must go through an understandable language approach. Subjective hermeneutics will be influenced by representative perception that the external belief of the world based on the general assumption that sensation, the whole mentality represents the objective reality, but all this is based on trial and error.

Subjective hermeneutics form an understanding that apart from the meaning of authenticity (holistic), not holding fast to the interpretation of Qur'an based on meaning of chain of transmission of truh (*isnad*) even escapes the search of Qura'nic text recorded by hadiths. Because of that subjective interpretation through search google is only limited to refine the review not as an achievement of the meaning of the source (the certainty of meaning) but the meaning based on feelings, emotional and mysticism.

Subjective hermeneutics uses the meaning of non-synonymity or ambiguity in interpreting Qur'an which is far from the use of the meaning of synonymity, therefore subjective hermeneutics does not make right-wrong, strong-weak, black-white and Islamic-Western calculations in every interpretation of Qur'an. Subjective interpretation does not bind all parties in truth nor does it bind in holiness but is bound in suggestion and empathy for life based on humanism only.

Conclusion

Subjective hermeneutics follows the methods of justification and falsification through the

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[102]'Abdul Malik ibn Yususf ibn Muḥammad al-Muthlaq, *Jauzi al-Misyar: Dirasah Fiqhiyyah wa Ijtima'iyyah Naqdiyah* (Saudi Arabia: al-Mamlakat al-'Araniyah al-Sa'udiyah Wizarat al-"adl, 1423 H), 105.

[103]Shaḥrûr, *Nahwu Ushûl Jadidat...*, 81.

[104]George M. Von Furstenberg (ed.), *Acting Under Uncertainty: Multidisciplinary Conceptions* (Kluwer: Springer Science+ Bussiness Media Dordrecht, 1990), 135.

[105]Graham Bird, *The Revolutionary Kant...*, 467.

study of *verstehen* that individualistic patterns of social understanding, that are not limited to the meaning of perception, sensitive, successive and mysterious. Syaḥrûr reverses the meaning of *fawâḥiš* to hidden badness, while the meaning of *milk yamîn* (the pleasant ownership) because partnership that likes each other, friendships, dating since childhood while the meaning of *zinâ* is understood with people receiving a punishment of stoning while the meaning of *mîthâqan* means temporal bond. The combination of the meanings of the fourth word is then analogous to a marriageless marriage that call non marietal. *Milk yamîn* in the criteria of interpretation of *tafsir tanzîl ḥakim* is no longer possible where a democratic system closes the gap of slavery because *milk yamîn* is very different from *milk nikaḥ*. Syaḥrûr's subjective hermeneutics is an infinite interpretation that becomes arbitrariness toward female close friends, widows, maid and concubine to be human beings who can be mocked by harassing abusive that are not real (*fawâḥiš bâṭina*) with arguments, not on the influence of pornography but due to psychological pressure.

Syaḥrûr interprets non-marietal marriages based on subjective hermeneutics understood from the word *milk yamîn* which is a partnership-based relationship while the word *mîthâqan* ǧalîza is till death do to be apart, whose implication of "bound by law" is dowry. Syaḥrûr purposive subjective was appointed by means of distribution based on social archeological language. The meaning of *milk yamîn* is anachronically pointed to the meaning of *milk yamîn* such as obtaining dating, illicit relations, samenleven and contract marriages. Non-marietal marriages based on Syaḥrûr's interpretation of the word *milk yamîn* justify dating marriages (*al-misyâr*), contract marriages (*mut'ah*) and sameleven (*al-masâkana*). Shifting the holistic meaning of synonymity which is understood from the words *milk yamîn* which is defined as slavery in the early Islamic tradition (*raqîq*) and the word *mîthâqan ǧalîza* which is interpreted with eternal

commitment (*mu'abbad*), forever (*dawâm*) and *istimrâr* (throughout life). The doubling and widening of the written meaning with the spoken meaning causes the behavior of liberalism, deconstructionism and modernism to emulate.

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