

## THOUGHT CONSTRUCTION OF *NASIKH MANSUKH*: STUDY OF ABDULLAH AHMAD AN-NA'IM

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### ABSTRACT

Basically, *ijtihad* is useful in resolving events involving various aspects of human life, especially for answering questions that are not explicitly explained by the texts. One of the contemporary Islamic intellectual figures, particularly in the disciplines of *fikih* and *ushul fikih*, is Abdullahi Ahmed An-Na'im. He offers a method of *shari'ah* evolution (*nasakh*) which according to him can answer contemporary problems today. This article elaborates on the construction of Abdullah Ahmad An-Na'im's legal thought. The research uses descriptive-qualitative method, and is included in library research. From the research conducted, it can be seen that 1) Abdullahi Ahmed An-Na'im is more representative of the concept of *shari'ah* evolution (*nasakh*) which was initiated by Mahmud Thaha; 2) An-Na'im with the *naskh* theory adopted from his teacher wants to say that the verse that is used as the basis of Islamic law at this time is revoked and replaced with an erased verse to be used as the basis of modern Islamic law, because of its more universal nature.

**Keywords:** Legal Construction, Abdullah Ahmad An-Na'im.

### ABSTRAK

Pada dasarnya *ijtihad* berguna dalam penyelesaian peristiwa-peristiwa yang menyangkut berbagai aspek kehidupan manusia, terutama untuk menjawab persoalan yang tidak tegas dijelaskan oleh *nash*. Salah satu tokoh intelektual Islam kontemporer yang khususnya dalam disiplin ilmu-*fikih* dan *ushul fikih* ialah Abdullahi Ahmed An-Na'im. Ia menawarkan sebuah metode evolusi *syari'ah* (*nasakh*) yang menurutnya dapat menjawab persoalan-persoalan kontemporer saat ini. Artikel ini mengelaborasi konstruk pemikiran hukum Abdullah Ahmad An-Na'im. Penelitian menggunakan metode deskriptif-kualitatif, dan termasuk dalam penelitian pustaka atau library research. Dari penelitian yang dilakukan dapat diketahui bahwa 1) Abdullahi Ahmed An-Na'im lebih merepresentasikan konsep evolusi *syari'ah* (*nasakh*) yang telah digagas oleh Mahmud Thaha; 2) An-Na'im dengan teori *naskh* yang diadopsi dari gurunya ingin mengatakan bahwa ayat yang digunakan sebagai basis hukum Islam pada saat ini dicabut dan digantikan dengan ayat yang terhapus untuk dijadikan basis hukum Islam modern, karena sifatnya yang lebih universal.

**Kata Kunci:** Konstruksi Hukum, Abdullah Ahmad An-Na'im.

## INTRODUCTION

Modernization or renewal in Islam is understood as an effort in order to harmonize religious understandings in Islam with various new developments brought about by advances in modern science and technology as well as the conditions of the problems faced are also called Islamic modernization. (An-Nawawi, 2002).

The rapid development and changes that occur in society are a form of influence from the rapid development of science and technology (Zaman & Assarwani, 2021), so that there are many problems that occur in the midst of society, especially Muslims whose legal provisions explicitly cannot be found in the Qur'an or hadith (Faizin, 2021). Therefore, in order to provide legal certainty to these problems, Islam provides a way for its people to use their minds seriously, carefully, and thoroughly in order to determine the provisions correctly and correctly. (Zaman, 2020b). This path in *ushul fiqh* is called *ijtihad* (Bahri, 2008).

Basically, *ijtihad* is useful in resolving events involving various aspects of human life, especially for answering questions that are not explicitly explained by the texts—*nash*. According to Router Garaudy, the challenges facing Muslims today can be categorized into two forms, *taqlid* to the west and *taqlid* to the past.

Taklid to the west arises because of the inability to distinguish between modernization and the Western way of life; while *taqlid* to the past arises because of the inability to distinguish between the shari'ah which is God's revelation and the views of past jurists about the shari'ah (Hakim & Mubarak, n.d.).

One of the contemporary Islamic intellectual figures, especially in the disciplines of *fiqh* and *ushul fiqh*, is Abdullahi Ahmed An-Na'im. He offers a method of shari'ah evolution (*nasakh*) which according to him can answer contemporary problems today. Because he thinks that *Nasakh* is one of the main methods, and has a wide and high complexity in Islamic theology and *fiqh* (jurisprudence) (An-Na'im, 1994).

In this regard, the writer will develop An-Na'im's framework of thinking and then see the relevance of this thought with the Islamic law *istinbath* method, so that the theory presented by Abdullah An-Na'im can provide a significant role in answering new problems that arise in the world. contemporary era.

## RESEARCH METHODS

The method used in this research is descriptive-qualitative method, and is included in the literature research. The use of descriptive-qualitative method is due to its suitability with the object and focus of the study being studied.

That's because this research seeks to produce findings that cannot be achieved through measurement or statistical procedures (Soehadha, 2012). The study of literature (library) is a study that is used to collect information and data with the help of various materials in the library such as documents, books, magazines, historical stories, and so on. (Ba'idan, 1998).

The process of collecting data in this study is by observing, in the sense of tracking various references that have relevance to the focus of the study, both from books, articles, and so on that function to support these data. (Moleong, 2006). The data analysis technique used in this research is the method of content analysis (content analysis). In this analysis, the process of selecting, comparing, combining, and sorting information obtained from related data sources will be carried out to obtain valid inferences.

## RESULTS AND DISCUSSION

### Short Biography of Abdullahi Ahmed An-Na'im

Abdullahi Ahmed An-Naim was born in Sudan on November 19, 1946. An-Naim's extended family, judging from its social statistics, can be said to belong to the middle class, but has quite a very good educational vision. So it is not surprising that An-Naim was able to take all levels of education up to the doctoral program (Rozi, 2015).

Abdullahi Ahmed An-Na'im is known as a lawyer and activist from Sudan. As an internationally recognized Islamic scholar, he is known to be very active in the field of human rights from an international perspective and human rights from a cross-cultural perspective. Abdullahi Ahmed An-Na'im's sincerity in fighting for human rights in the international world can be seen in his involvement in various international human rights institutions. For example, Abdullahi Ahmed An-Na'im is active in The International Council on Human Rights Policy in Geneva, Switzerland. In addition, he is also active in the International Advisory Council of the International Center for the Legal Protection of Human Rights (Interrights), London. (Fanani, 2003).

Abdullah Ahmad An-Na'im completed his undergraduate studies at the University of Khartoum Sudan. While studying at the University of Khartoum, Abdullahi Ahmed An-Na'im concentrated on the law faculty, particularly in the department of criminal law. He completed his undergraduate education in 1970 with an LLM degree.

At the same time when Abdullahi Ahmed An-Na'im was still a student, he joined an organization led by Mahmoud Thaha (Taufiq, 2018). At that time the organization was known as *The Republican*

*Brotherhood*. He is classified as an enthusiastic person to attend lectures delivered by Mahmoud Thaha and also often joins in discussions held at Mahmoud Thaha's private residence (Khurzman, 2001).

### **Abdullahi Ahmed An-Na'im Social**

#### **Setting**

The issue of Human Rights is one of the discussions that is always interesting when viewed from the development of problems that arise, the context of the discussion which is always dynamic, and the legality factor that is expected to be able to protect it. Islam as a religion that has an organizational structure in the rules of basic human rights was born in a society and an era that is not friendly with the recognition of basic human rights (Zaman, 2021), where there is still a slavery system, there is no equality between the rights of women and men and it is not even recognized so that women can be considered as objects that are inherited when the husband dies, as well as rights between groups which are differentiated on the basis of belief, power, honor, and the basis of another foundation that is not in line with the dignity of a human being (An-Na'im, 1984).

An interesting issue to study from Abdullah An-Naim's thinking is his view of secular law in supporting human rights with his argument that secular law has appeared in history as a hero in upholding human

rights values that must be respected by everyone. On the other hand, he ignores the role of sharia, which according to him is unable to solve the human rights problems that plague the world (Sapiudin, 2016).

The spirit of Abdullah An-Naim's thought as mentioned was considered a deconstruction of the Shari'a which was later known as a response to the process of changing perceptions, attitudes, and policies of Muslims on the basis of Islam itself (Fanani, 2003). His thesis then says that if a religiously acceptable basis for modern reform is not built, then Muslims now and in the future will only have two alternatives, namely implementing Shari'a with all its weaknesses in responding to the dynamics of the times and its problems or leaving it and choosing secular public law. An-Na'im argued that as long as Muslims remained faithful to the historical framework of Shari'a, they would never truly achieve the reforms that were urgent for Islamic public law to function today, therefore, Abdullah An-Naim argued that Shari'a must be updated (Akbar & Abbas, 2020).

### **Abdullahi Ahmed An-Na'im Thought Construct**

Abdullahi Ahmed An-Na'im's view of the Qur'an is that the Qur'an should be understood not as a collection of laws or even a book of laws. But something that has an attraction for mankind to obey God's

laws that have been previously revealed or may be found. But for him, it is also a big mistake to ignore the influence of the Qur'an in the creation of an Islamic legal system.

On the one hand, it is true that there are only 500 verses (or 600 according to some scholars) of the total 6219 verses of the Qur'an that support the legal element, and that too relates to ritual worship. (Sulaimān, 1991). Only about 80 verses contain the basic language of law in the sense of using direct and clear legal terms (Thaha, 1987). The rest according to An-Na'im are verses that are constructed in such a way, so that they have legal implications (An-Na'im, 1994). Therefore, it can be ascertained that the use of the Qur'an as a source of shari'ah depends on different views on the relevance and interpretation of the verses (Zaman, 2020b).

When Abdullahi Ahmed An-Na'im said that the substance of Islamic law is in line with universal human rights legal norms, and can be in line with the various needs of contemporary society and international legal standards, he bases his thinking on the principle of reciprocity. This principle states that he should treat others the same way he expects to be treated by others. This principle, according to Abdullahi Ahmed An-Na'im, is shared by all major religious traditions of the world,

including Islam. In addition, according to him, this principle has moral and logical power that can be easily appreciated by mankind (Akbar & Abbas, 2020).

The Qur'an was originally revealed as a response to the situation of society at that time which then grew and developed more widely (Zaman, 2020a). Even the laws contained in the Qur'an, there are still those that require interpretation and have the potential to develop (Dzahabi, n.d.). If at the time of the Prophet Muhammad, in understanding such verses and problems, the Prophet gave an explanation directly with his sunnah and the companions saw directly the answer given by the Prophet (An-Nawawi, 2002).

However, in the next period after the Messenger of Allah, when he had died and Islamic society was experiencing rapid development, and the territory of Islam was expanding, the explanation was carried out by the companions through experiences and visions during their life with the Prophet. (An-Nawawi, 2002). This responsibility continues and passes to the next generation of leaders or scholars—*ulama*.

Abdullahi Ahmed An-Na'im, according to him, Muslims around the world may (have the right) to apply Islamic law, as long as it does not violate the rights of other people and groups, both inside and outside the Islamic community (Fanani,

2003). That is, in claiming and exercising individual and collective rights for self-determination, Muslims must also recognize and guarantee the same rights for others (An-Na'im, 1990). The problem, according to Abdullahi Ahmed An-Na'im, is that if the historical shari'ah—Abdullahi Ahmed An-Na'im uses the term historical shari'ah to name the Islamic shari'ah, implemented now, it will cause serious problems regarding constitutionalism issues. criminal law, international relations and human rights.

According to him, the most affected are non-Muslims and women (An-Na'im, n.d.). For non-Muslims they will become a second class society with dhimmi status (Zaman, 2021), and for women, they will lose the opportunity to obtain education and lack of access to public life. Even men, he said, will also feel the impact, namely they will lose their freedom because they are blocked by various laws (An-Na'im, 1996). Abdullahi Ahmed An-Na'im stated that many of these cases occurred in his country of birth, Sudan (An-Na'im, 1990). Abdullahi Ahmed An-Na'im explained:

“menganggap ada bagian Syari'ah yang tidak memadai, akan dituduh bid'ah oleh mayoritas umat Islam yang meyakini bahwa keseluruhan syari'ah itu bersifat Ilahiyah. Pandangan yang menjadi keyakinan umum ini akan menjadi hambatan psikologis utama dalam upaya merekonstruksi syari'ah, apalagi diperkuat dengan ancaman tuntutan hukum pidana dengan dakwaan murtad

(apostasy). Ini adalah ancaman nyata di negara-negara Islam seperti Sudan dewasa ini” (Taufiq, 2018).

“Deeming that there is an inadequate part of Shari'ah, will be accused of heresy by the majority of Muslims who believe that the entire Shari'ah is divine. This view that becomes a general belief will become the main psychological obstacle in the effort to reconstruct sharia, especially if it is reinforced by the threat of criminal prosecution with charges of apostasy (apostasy). This is a real threat in Islamic countries like Sudan today.”

As has been experienced by many countries in the world, the historical experience of Sudan in the past cannot be separated from the grip of colonialism. This country was first colonized by the Turkish-Egyptian people in 1821 (An-Na'im, 2004). To overcome this problem, Abdullahi Ahmed An-Na'im proposed the concept of changes in public law in Islamic countries by building a version of Islamic public law that is in accordance with the standards of constitutionalism, criminal law, international law and modern human rights (An-Na'im, 1990).

Abdullahi Ahmed An-Na'im denies the sanctity of the Shari'ah, because Shari'ah is not divine—revelation directly from Allah SWT. Shari'ah, according to him, is the result of a process of interpretation, derivation through qiyas to the text of the Qur'an, as-Sunnah, and other traditions (Fanani, 2003). The formulation of the

shari'ah, like other legal systems, follows the stages of development of the people (An-Na'im, 1994). He said, the techniques of elaborating the shari'a from its sacred sources and the ways in which the concepts and fundamental principles were formulated, were clearly the product of the intellectual, social, and political historical process of Muslims.

Abdullahi Ahmed An-Na'im divides the types of legal reform that have been widely developed by Muslim nations in general (An-Na'im, 1994): *First*, Takhsi al-Qadha (the right of the ruler to decide and enforce court decisions) is used to limit the application of sharia to civil matters for Muslims. *Second*, Takhayyur (selecting various opinions within certain schools of jurisprudence and not choosing the dominant opinion in the first school of thought, seeing that the dominant school is the Hanafi school, which is the official school for matters relating to Muslim civil law). *Third*, siyasa shari'ah (policy of the rulers to apply administrative rules that are beneficial and do not conflict with shari'ah are also used to introduce various forms of reform, then reinterpretation of civil law, to limit the prevalence of divorce (Taufiq, 2018).

#### **Abdullahi Ahmed An-Na'im Legal— law, Methodology**

Abdullahi Ahmed An-Na'im presents a method that is considered a modern method of ijtihad. Specifically, the term for this method is called shari'ah evolution (nasakh) (Akbar & Abbas, 2020). The evolution of shari'ah is understood as a form of displacement from one Qur'anic text to another Qur'anic text. Abdullahi Ahmed An-Na'im gave the term evolution by moving from a text which was deemed appropriate to govern the seventh century at that time and had been applied, to a text which was canceled at that time because it was too advanced at that time. (An-Na'im, 1996).

In his method of shari'ah evolution, he describes important interrelated aspects. That is the issue of Makkiyah and Madaniyah, then the question of understanding texts that have been understood by Muslims (Fanani, 2003). Abdullahi Ahmed An-Na'im here represents the concept of shari'ah evolution (nasakh) which was initiated by Mahmoud Thaha who is the teacher of Abdullahi Ahmed An-Na'im. It should be understood that this idea is considered as a way out for Muslims from the impasse of understanding sharia so far (Bahri, 2008).

Abdullahi Ahmed An-Na'im understands that understanding the concepts of Makkiyah and Madaniyyah is to understand which verses are universal and

fundamental (Fanani, 2003)—even the Makkiyah verses seem to have a universal tendency and have messages that can embrace all of humanity (Thaha, 1987). Meanwhile, scholars in the concept of classical ulama tend to broaden the scope and benefits of this Makkiyah and Madaniyyah study, where scholars through the Makkiyah and Madaniyyah concepts can find out the time, place and situation behind the revelation of a verse and letter of the Qur'an (Dzahabi, n.d.). Through understanding the concepts of Makkiyah and Madaniyyah, you will get a picture of the revelation situation at that time (Haitami, n.d.).

The concept of nasakh (shari'ah evolution) promoted by Abdullahi Ahmed An-Na'im is actually related to his understanding of the letter Al-Baqarah: 106:

﴿ مَا نَنْسَخْ مِنْ آيَةٍ أَوْ نُنسِهَا نَأْتِ بِخَيْرٍ مِنْهَا أَوْ مِثْلَهَا ۗ أَلَمْ تَعْلَمْ أَنَّ اللَّهَ عَلَىٰ كُلِّ شَيْءٍ قَدِيرٌ ﴾

“Verses that We cancel or remove from memory, We will surely replace them with better ones or comparable to them. Don't you know that Allah has power over all things?”

Nasakh referred to by An-Na'im is a text that is still part of the Qur'an but is considered legally invalid. This is based on the distinction between the letters of the Qur'an that were revealed during the

Meccan and Medinan periods. The letter of Mecca pays more attention to spiritual issues and religious horizons, while the letter of Medina focuses on political, social and legal problems (Azra, 2002).

An-Na'im asserts that Muslims are free to find which verses suit their specific needs. In other words, the historical shari'ah referred to by An-Na'im only applies to the Muslim community in the past, while for today's society it is to apply verses that emphasize constitutionalism, human rights and internationalism. (An-Na'im, n.d.).

An-Na'im with the naskh theory adopted from his teacher wants to say that the verse that is used as the basis of Islamic law at this time is revoked and replaced with an erased verse to be used as the basis of modern Islamic law. (An-Na'im, 1994).

### **Implementation of An-Na'im Thought in Understanding the Content of the Qur'an**

An-Na'im, invites to build a new interpretation principle. Allowing the application of the verses of the Qur'an and Hadith to be a solution for blindness and limitations of islamic law—*fiqh* (An-Na'im, 1994). An open examination of the contents of the Qur'an and Hadith is needed, forming two stages of the message of revelation, namely the Meccan and Madani periods.



The messages of the Meccan period are the eternal and fundamental messages of Islam, emphasizing the inherent dignity of all human beings regardless of gender, religious belief, or race. However, this treatise was then vehemently rejected (jihad) when the Prophet migrated to Medina (Thaha, 1987).

In the Madani period the message of the Qur'an changed to be more specific, there were differences between men and women in their legal status and rights. Then it became the basis for fiqh law, even today it is still used as a source of Islamic law (An-Na'im, 1994).

The message of the Qur'an that was revealed in Mecca and Medina is different not because of the place and place it was revealed, but because of the different target groups. The change of audience was motivated by the rejection of the message of the Qur'an which was sent down first in Mecca through violence (Azra, 2002). However, this does not mean that aspects of the message of Mecca have been erased, but that it has only been postponed and remains a source of Islamic law and its implementation is suspended under appropriate conditions in the future (An-Na'im, 1994).

In the first treatise, An-Na'im conveyed about Islam. The difference between a Muslim and a believer is only in

level, not in essence. The basic principle of Islam is that humans have the freedom to be responsible without violating the rights of others. In the Qur'an Allah Subhanahu wa Ta'ala says:

قُلْ يَٰٓأَيُّهَا الْكٰفِرُونَ لَا اَعْبُدُ مَا تَعْبُدُونَ وَلَا اَنْتُمْ عٰبِدُونَ مَا اَعْبُدُ وَلَا اَنَا عٰبِدُ مَا عٰبَدْتُمْ وَلَا اَنْتُمْ عٰبِدُونَ مَا اَعْبُدُ لَكُمْ دِيْنَكُمْ وَلِيْ دِيْنٍ

Meaning: 1. Say (Muhammad), "O disbelievers! 2. I will not worship what you worship, 3. and you are not a worshiper of what I worship, 4. and I have never been a worshiper of what you worship, 5. and you have never (also) worshiped what I worship. 6. For you is your religion, and for me is my religion." (Al-Kafirun: 1-6).

At the beginning of the spread of Islam was not done by force, but carried out persuasively so that the people of Mecca converted to Islam voluntarily (Baidlowi, 2005). Furthermore, after the Prophet migrated to Medina the message was reversed, Allah ordered the Prophet and his companions to fight against non-Muslims under any conditions as understood from the word of Allah SWT.,

وَقَاتِلُوْا فِيْ سَبِيْلِ اللّٰهِ وَاَعْلَمُوْا اَنَّ اللّٰهَ سَمِيْعٌ عَلِيْمٌ

"And fight in the way of Allah, and know that Allah is All-Hearing, All-Knowing." (Al-Baqarah: 244).

The implication of this order gives rise to another difference about the message

of Mecca and Medina. For example in the issue of slavery. When there is a war between Muslims and non-Muslims, prisoners of war will become slaves to the victor. Islam emerged in a society that had a tradition of slavery. Slavery became an integral part of the community's life at that time. Furthermore, Islam limits it, by giving freedom for prisoners of war to free themselves through wealth or ability to be taught to Muslims. An-Na'im stated that the issue of slavery was one of the things that was abolished through the arrival of Islam.

In the second treatise, An-Na'im talks about the ideal concepts that are implemented in the Muslim community towards a prosperous Islamic society. According to aha, a state can be formed and developed if it is supported by a good society, namely promoting some equality of rights or justice. For example, economic justice, socialism, political justice, democracy and social justice, the abolition of class and discrimination. In addition, a scientific education system is also needed that directs individuals to develop themselves freely without being based on fear of anything.

### **Criticism of Abdullahi Ahmed An-Na'im Legal Determination (*Istinbat*) Methodology**

Departing from the transformative discourse presented by Abdullahi Ahmed

An-Na'im where transformative is understood as a responsibility for those who are marginalized, making changes to achieve freedom and social justice in addition to ritual life. Abuddin Nata explained that transformative thinking is to change in the sense of giving changes to the conditions of society which are marginalized by modernization and development, and making society based on Islamic ideals (Nata, 2001).

Basically, transformative Islam has characteristics that always strive and aim to realize the ideals of Islam, namely bringing and giving mercy to all mankind (Supriyanto, 2022). Then it shows that there is a balance between ritualistic Islamic teachings and Islamic mission. And also affirms human and democratic values. Focus on the actual social life of the community (Nata, 2001).

Rahardjo explained that there are three different groups of Muslim scholars when it comes to understanding the meaning of transformation. Then Rahardjo also explained that basically these three groups have their respective tendencies and have significant differences. *First*, they understand the meaning of transformation simply by transforming from an agrarian society to an industrial society. *Second*, they interpret transformation as a doctrine or teaching or ethics that must be actualized

into aspects of life, such as Islamic economics. *Third*, transformation is defined as a revolutionary or radical movement (Rahardjo, 2008).

Basically the concept of Abdullahi Ahmed An-Na'im's thought which has been presented in the previous explanation is very worthy of appreciation because he is very productive especially in his thoughts in dealing with Shari'ah and human rights. (An-Na'im, 1990). On the one hand, the thoughts presented by Abdullahi Ahmed An-Na'im can at least refute the accusations of non-Muslims who think that Islamic law is contrary to international laws and human rights. Especially when Islam is considered a terrorist religion in the negative stigma of European countries. However, the threats and challenges when Abdullahi Ahmed An-Na'im's thought is presented as a contemporary method of *istinbath* cannot be avoided. Because of the courage of Abdullahi Ahmed An-Na'im who has deconstructed the classical ulama method that has been established as an *istinbath* method. Causing Mohammed Arkoun to clearly express his disagreement with the approach used by Abdullahi Ahmed An-Na'im. As he states:

"I (Mohammed Arkoun) disagree and do not support the methodology and epistemology chosen by Abdullahi Ahmed An-Na'im to build an Islamic reformation,

which he wants to be something modern but at the same time in harmony with orthodoxy." (An-Na'im, 1994)

Arkoun revealed that the issues that Abdullahi Ahmed An-Na'im attempted to answer within the framework of the orthodox reform methodology (which he called the adequate methodology) were an integral part of the revolutionary process that had taken place for the first time in Europe and only in European constitutionalism. modern law, modern international law, human rights and criminal law (Syafi'i, 2015).

Furthermore, Arkoun also criticized that the reform thought posture described by Abdullahi Ahmed An-Na'im has very weak aspects and is unacceptable. Arkoun revealed that his attitude in initiating an adequate methodology did not consider the issue of revelation as something that is generally accepted by Muslims, Christians and Jews. According to Arkoun, before we try to produce a modern interpretation of the Qur'an, we should consider revelation as a cultural, historical, simiotic and anthropological phenomenon in its various historical and factual manifestations (Habibi, 2016). This is what Abdullah Ahmad AnNa'im did not do when carrying out a methodological reform which he considered an adequate method.

According to Arkoun that to claim the authority of the Qur'an in all fields

related to modernity, it is not enough to process the verses of the Qur'an, or build a new hierarchy of values for all the verses of the Qur'an and hadith, or projecting elements of modern law onto the texts of the Qur'an and hadith by separating them from their historical context (Khurzman, 2001). This is what Abdullahi Ahmed An-Na'im did to the methodology he built by eliminating the history of the Qur'an.

## CONCLUSION

Abdullahi Ahmed an-Na'im, better known as Na'im, is a contemporary Muslim intellectual who has produced many works of thought. Abdullahi Ahmed An-Na'im presents a method that is considered a modern method of *ijtihad*. In his method of shari'ah evolution, he describes important interrelated aspects, namely the Makkiyah and Madaniyah issues, then the issue of understanding texts that have been understood by Muslims. Abdullahi Ahmed An-Na'im here represents the concept of shari'ah evolution (*nasakh*) which was initiated by Mahmoud Thaha who is the teacher of Abdullahi Ahmed An-Na'im.

Abdullahi Ahmed An-Na'im divides the types of legal reform that have been widely developed by Muslim nations in general: *first*, *Takhsir al-Qadha* (the right of the ruler to decide and enforce court decisions) is used to limit the application of shari'ah to civil matters for Muslims. *Second*,

*Takhayyur* (selecting various opinions within certain schools of jurisprudence and not choosing the dominant opinion in the first school of thought, seeing that the dominant school is the Hanafi school, which is the official school for matters relating to Muslim civil law). *Third*, *siyasa shari'ah* (policy of the authorities to apply administrative rules that are beneficial and do not conflict with shari'ah are also used to introduce various forms of reform, then reinterpretation of civil law, to limit the prevalence of divorce).

## BIBLIOGRAPHY

- Akbar, D. S., & Abbas, A. F. (2020). Pemikiran Abdullah An-Na'Im Tentang Teori Evolusi Syari'Ah (Nasakh) Dan Relevansinya Dengan Metode Istimbath Hukum Islam. *Al Hurriyah : Jurnal Hukum Islam*, 5(1), 1–21. <https://doi.org/10.30983/alhurriyah.v5i1.2110>
- Akhmad Roja Badrus Zaman, N.: 19200010166. (2021). *Nasionalisme dan Citizenship dalam Tafsir Nusantara: Studi Tematik-Komparatif Kitab Tafsir Al-Azhar dan Al-Mishbah* [Masters, Uin Sunan Kalijaga Yogyakarta]. <https://digilib.uin-suka.ac.id/id/eprint/49064/>
- An-Na'im, A. A. (n.d.). Religious Freedom in Egypt: Under the Shadow of Islamic Dhimma System. In *Religious Liberty and Human Rights in Nations and in Religions*. Ecumunical Press.
- An-Na'im, A. A. (1984). A Modern to Human Rights in Islam. In *Human Rights and Development in Africa*.
- An-Na'im, A. A. (1990). *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law*. Syracuse University Press.

- An-Na'im, A. A. (1994). *Dekonstruksi Syari'ah*. LKiS.
- An-Na'im, A. A. (1996). Sekali Lagi Reformasi Islam. In *Islamic Law Reform and Human Rights: Challengers and Rejoinders*. LKiS.
- An-Nawawi, R. S. (2002). *Rasionalitas Tafsir Muhammad Abdub, Kajian Masalah Aqidah Dan Ibadat*. Paramadina.
- Azra, A. (2002). *Konflik Baru Antar Peradaban: Globalisasi, Radikalisme & Pluralitas*. Raja Grafindo Persada.
- Bahri, S. (2008). *Metodologi Hukum Islam*. Teras.
- Ba'idan, N. (1998). *Metodologi Penafsiran Al-Qur'an*. Glaguh UHIV.
- Baidlowi, A. (2005). *Mengenal Thabathaba'i dan Kontroversi Nasikh Mansukh*. Nuansa.
- Dzahabi, M. H. (n.d.). *Al-Tafsir Wa al-Mufasssirun*. Makatabah Wahbah.
- Faizin, M. (2021). Hermeneutika Sufistik-Filosofis: Penafsiran Ibn 'Arabi atas Kisah Nabi Musa dan Nabi Khidir dalam QS.Al-Kahfi 60-82. *Jurnal Ilmiah Mahasiswa Raushan Fikr*, 10(1), 14-34.  
<https://doi.org/10.24090/jimrf.v10i1.4637>
- Fanani, M. (2003). *Abdullah Ahmad An-Na'im; Paradigma Baru Hukum Publik Islam, Dalam A. Khodri Shaleh, Pemikiran Islam Kontemporer*. Jendela.
- Habibi, N. (2016). Kritik terhadap Pemikiran Abdullahi Ahmed An-Na'im tentang Konsep Waris Bagi Non-Muslim. *Al-'Adalah: Jurnal Syariah Dan Hukum Islam*, 1(1), 53-79.  
<https://doi.org/10.31538/adlh.v1i1.447>
- Haitami, I. H. (n.d.). *Hawashi Tuhfat al-Muhtaj bi Sharh al-Minhaj*. Matba'at Mustafa Muhammad.
- Hakim, A. Abd., & Mubarak, J. (n.d.). *Metodologi Studi Islam*. Rosdakarya.
- Khurzman, C. (2001). *Wacana Islam Liberal Pemikiran Islam Kontemporer Tentang Isu-Isu Global*. Paramadina.
- Moleong, L. J. (2006). *Metode Penelitian Kualitatif*. Remaja Rosda Karya.
- Nata, A. (2001). *Peta Keragaman Pemikiran Islam Di Indonesia*. Raja Grafindo Persada.
- Rahardjo, M. D. (2008). *Intelektual Intelegensia Dan Perilaku Politik Bangsa: Risalah Cendekiawan Muslim*. Mizan.
- Rozi, A. B. (2015). Penerapan Syari'ah di Negara Modern (Analisis Ijtihad Pemikiran Abdullahi Ahmed An-Na'im). *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, 10(2), 359-392.  
<https://doi.org/10.19105/al-lhkam.v10i2.734>
- Sapiudin, S. (2016). Kritik Atas Pemikiran Abdullahi Ahmed An-Naim Tentang Distorsi Syariah terhadap HAM. *Abkam: Jurnal Ilmu Syariah*, 16(1), Article 1.  
<https://journal.uinjkt.ac.id/index.php/ahkam/article/view/2893>
- Soehadha, Moh. (2012). *Metode Penelitian Sosial Kualitatif untuk Studi Agama*. SUKA Press.
- Sulaiman, M. M. (1991). *Al-Nasikh fi al-Quran al-Karim wa al-Raddu Ala Munkirih*. Mathba'ah al-Amānah.
- Supriyanto, S. (2022). Implementasi Pemikiran Hermeneutika Martin Heidegger dalam Studi Tafsir Alquran. *AL QUDS: Jurnal Studi Alquran dan Hadis*, 6(1), 255-278.  
<https://doi.org/10.29240/alquds.v6i1.3165>
- Syafi'i, A. (2015). Arkoun dan Kritik Nalar Islam. *Al-Adabiya: Jurnal Kebudayaan dan Keagamaan*, 10(2), 105-125.
- Taufiq, A. (2018). Pemikiran Abdullah Ahmed An-Naim tentang Dekonstruksi Syari'ah sebagai Sebuah Solusi. *International Journal Ihya' Ulum al-Din*, 20(2), 145-166.  
<https://doi.org/10.21580/ihya.20.2.4044>

Thaha, M. M. (1987). *Al-Risālah al-Ṣāniyah min al-Islām*. Syracuse University Press.

Zaman, A. R. B. (2020a). Living Qur'an dalam Konteks Masyarakat Pedesaan (Studi pada Magisitas Al-Qur'an di Desa Mujur Lor, Cilacap). *Potret Pemikiran*, 24(2), 143–157. <https://doi.org/10.30984/pp.v24i2.1320>

Zaman, A. R. B. (2020b). Epistemologi Tafsir Al-Shâtîbî dalam Memahami Alquran. *Diya Al-Afkar: Jurnal Studi al-Quran dan al-Hadis*, 8(02), 160–171. <https://doi.org/10.24235/diyaafkar.v8i02.6969>

Zaman, A. R. B. (2021). Konsep Hermeneutika Al-Qur'an Ma'nā-Cum-Mağza dan Aplikasinya dalam Memahami Bunga Bank. *SUHUF*, 14(1), 79–97. <https://doi.org/10.22548/shf.v14i1.603>

Zaman, A. R. B., & Assarwani, M. M. (2021). Habib Husein Jafar Al-Hadars Da'wa Content Commodification on Youtube. *KOMUNIKA: Jurnal Dakwah Dan Komunikasi*, 15(1), 1–11. <https://doi.org/10.24090/komunika.v15i1.398>

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