

# LIMITATIONS OF WOMEN'S GENITALS ACCORDING TO M. SYAHRUR (Ijtihad Method Analysis Study)

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**Abstract:** The formulation of the research problem is What are the limits of female genitalia according to M. Syahrur and How does M. Syahrur use the ijtihad method in determining the boundaries of female genitalia. This research is library research, using a reference source by M. Syahrur entitled *al-Kitab wa al-Qur'an al-Mu'ashirah* as the primary reference, as well as other books which include the issue of the boundaries of women's private parts. The results of the study show that the application of M. Syahrur's limit theory (*nazhariatul hudud*) in the problem of the boundaries of women's private parts states that women cannot be naked because they exceed or exceed the minimum limit (*al-hadd al-adnaa*). The elements that must be covered and constitute genitalia for women are under the minimum limit (*al-hadd al-adnaa*), namely the lower part (*al-juyub as-sufliyah*), (*al-juyub as-sufliyah*) consisting of the genitals, buttocks, armpits, and breasts. The limitations of women's private parts in social activation in society include the minimum limits (*al-hadd al-adnaa*) and parts of women's bodies that must be covered per public perceptions. Women may not exceed the maximum limit (*al-hadd al-'laa*). Therefore, they cannot hide their face and hands, such as veiling (*niqab*). The ijtihad method used by M. Syahrur in determining the boundaries of women's private parts, with his theory *Nazhariatul Hudud* explains that there is a minimum limit (*al-hadd al-adnaa*) and a maximum limit (*al-hadd al-'laa*). The minimum limit is the lowest provision of the rules prescribed by Allah SWT, while the maximum limit is the highest limit of a rule. Therefore, it is not permissible to do something less than the minimum limit and also not to do anything more than the maximum limit

**Keywords:** The limits of women's genitalia, the theory of *nazhariatul hudud*, M. Syahrur

**Abstrak:** Rumusan masalah penelitian ini adalah Apa saja batasan aurat perempuan menurut M. Syahrur dan Bagaimana metode ijtihad yang digunakan M. Syahrur dalam menentukan batasan aurat perempuan. Penelitian ini adalah penelitian pustaka (library research), dengan menggunakan sumber rujukan karya M. Syahrur berjudul *al-Kitab wa al-Qur'an Mu'ashirah* sebagai rujukan primer, serta kitab-kitab lainnya yang mencantumkan tentang masalah batasan aurat perempuan. Hasil penelitian menunjukkan bahwa Pengaplikasian teori limit (*nazhariatul hudud*) M. Syahrur dalam masalah batasan aurat perempuan menyebutkan bahwa perempuan tidak boleh telanjang, karena melebihi atau melampaui dari batas minimal (*al-hadd al-adnaa*). Bagian-bagian yang wajib ditutupi dan merupakan aurat bagi perempuan sesuai dengan batas minimal (*al-hadd al-adnaa*), yakni bagian bawah (*al-juyub as-sufliyah*), (*al-juyub as-sufliyah*) terdiri dari kemaluan, pantat, ketiak, dan payudara. Batasan aurat perempuan dalam aktivasi sosial di masyarakatnya melingkupi batasan minimal (*al-hadd al-adnaa*), serta bagian dari tubuh perempuan yang harus ditutup sesuai dengan persepsi masyarakat. Perempuan Tidak boleh melampaui batas dari batasan maksimal (*al-hadd al-'laa*), sebab itu tidak boleh menutup wajah dan dua telapak tangan, seperti bercadar (*niqab*). Metode ijtihad yang digunakan M. Syahrur dalam menentukan batasan aurat perempuan, dengan teorinya *nazhariatul hudud* menjelaskan bahwa ada batas minimal (*al-hadd al-adnaa*) dan batas maksimal (*al-hadd al-'laa*). Batasan minimal, adalah ketentuan paling rendah dari aturan yang telah disyariatkan oleh Allah SWT, sedangkan batas maksimalnya adalah batas paling tertinggi dari suatu aturan. Sebab itu, tidak dibolehkan melakukan sesuatu kurang dari batas minimal dan juga tidak boleh melakukan sesuatu melebihi dari batas maksimal.

**Kata Kunci :** Batasan aurat perempuan, teori *nazhariatul hudud*, M. Syahrur

## Introduction

The word genitalia is defined as a part of the body that cannot be exposed or visible, also interpreted as a state of being naked and genitals.<sup>1</sup> Aurat, in Arabic `aurat, is rooted in the word `awira, which means the loss of shame or feelings. This word, in the use of Arabic, has a negative meaning.<sup>2</sup> It is seen as something disappointing and embarrassing. Another root of genitalia is taken from the word `ara, which means covered and buried so that nothing can be seen inside.

The third root word is `awara which means polluted when seen. When these three roots are combined, the word genitalia means something that must be covered, and if it is seen, it will cause shame. Ibn Manzbur included the meaning of aurat, meaning that it means humiliation, bad, and loss of feelings. When the word aurat is juxtaposed with the word eye, it is interpreted as a loss of eye light or loss of sight.<sup>3</sup>

Syihab explained the boundaries of genitalia do not provide definite and clear boundaries, so of course, there will be differences of opinion in determining the limitations of this genitalia. For this reason, efforts are made to explore the limits of genitalia from existing religious sources, both from the Koran and the hadiths of the Prophet SAW. However, there are often differences in the understanding of the verses of the Koran, the validity of the hadith, and the interpretation or method used in understanding existing sources. If you look at the opinions of previous scholars, they distinguished between the private parts of free people and enslaved people, as well as the limits of genitalia between outside prayer and when in prayer..<sup>4</sup>

Talking about human nature, covering the private parts and shame has been shown by Prophetullah Adam `alaihissalam. The

opening of the veil of genitalia, due to the devil's persuasion, so that it approaches and eats trees that Allah SWT prohibits, this history is recorded by Allah SWT in the Koran, which means as follows:

Meaning: Then the devil whispered evil thoughts to them to reveal what was close to them. Namely, their private parts, and satan said: Your Lord allowed you and approach this tree, but so that you both would not become Angels or not become eternal people (in heaven). (QS. Al-A'raf/7:20)

M. Quraish Shihab interprets QS. Al-A'raf/7:20 above, he explained Prophet Adam and Eve could not see each other's private parts. This means that, at first, their private parts were closed. At that event, satanic persuasion tempted these two servants of Allah, and Adam and Eve ate the fruit from the forbidden tree. As a result of violating this order, Adam and Eve's genitals were exposed, and then they both realized that their genitals were open, so they tried to cover their genitals. They with various leaves of heaven. This means the effort to hide the genitals is the first human instinct, and this instinct or fitrah continues to obey every human being on the surface of the earth.<sup>5</sup>

Islamic teachings regarding clothing function not only as a tool to cover the genitals or as a decoration. More than that, Islam wants to guide people to have high manners so that they are not easy to do evil deeds. For this reason, Islam forbids its followers to be naked and also determines the boundaries of genitalia for women and men so that fiqh scholars argue that genitalia is parts of the body that must be covered to avoid the view of people who are not mahrams..<sup>6</sup>

The importance of covering the genitals az-Zuhaili explained in his commentary covering the genitals has many purposes. In

<sup>1</sup>Kementerian Pendidikan Nasional, *Kamus Besar Bahasa Indonesia*, (Jakarta: Balai Pustaka, 2016), h.102.

<sup>2</sup>Fuad Mohd. Fachruddin, *Aurat dan Jilbab dalam Pandangan Mata Islam*, (Jakarta: Pedomam Ilmu Jaya, 1994), h. 2.

<sup>3</sup>Ibn Manzbur, *Lisan al-'Arab*, Juz V, (Kairo: Dar al-Ma'arif, 1997), h. 3164.

<sup>4</sup>*Ibid.*, h. 65.

<sup>5</sup>M. Quraish Shihab, *Wawasan Al-Qur'an*, (Bandung: Mizan, 1997), h. 158-160.

<sup>6</sup>Muhammad Ibn Muhammad Ali, *Hijab Risalah tentang Aurat*, (Yogyakarta: Pustaka Sufi, 2004), h. 3-4.

the view of Islam covering the genitals to avoid acts of disobedience, and to prevent the opposite sex from arousing lust, both for women and for men.<sup>7</sup> Some actions are subservient to covering the private parts, especially for women, such as wearing the headscarf. Then, of course, this is a differentiator for the identity of a woman and a man so that they do not resemble one another and become a natural flow in their respective roles in social life.<sup>8</sup>

Covering the genitals is human nature. Of course, it would be very uncomfortable if our genitals were exposed and visible to others. Muslim women, in addition to having a fitrah to cover their genitals, the Shari'a also commands her to wear clothes that cover their genitals, and her obedience will become a charity and a form of piety for a woman. Covering the genitals, such as the headscarf, is a distinguishing identity, and a symbol of the position of a Muslim woman in society.<sup>9</sup>

The limits of a woman's genitals have been agreed upon by scholars, namely that her genitals are her whole body, except for the face and palms. This genitalia is not only in prayer but also outside prayer, according to the fuqaha'. The existence of scholarly agreement in one matter does not preclude the existence of differences in other issues. Nasaruddin Umar mentioned several opinions. For example, in the Shafi'i school, there is an opinion that it is permissible to cover the face, and only the eyes (veil) are visible. At the same time, al-Muzani said that the soles of women's feet are not part of the genitalia that must be covered.<sup>10</sup> Shaykh

Ahmad Jad also mentioned that all Sunni scholars, even Shi'a Ja'fari, stated that all parts of a woman's body are the genitalia, except for the face and palms. The application of these genital limits is both during prayer and in the daily life of a woman..<sup>11</sup>

Imam Syafi'i thinks that a woman's private parts are everything on a woman's body, except for the palms of her hands and face.<sup>12</sup> Abu Syuja explained that there is a close relationship between covering the genitals and carrying out worship, especially for women. According to him, the private parts of an independent woman, even if she is a child who has been mumayyiz, so when she prays, all her limbs are naked and must be covered, except for the face and both palms, which are allowed to be open.<sup>13</sup> Women's private parts cannot cover all the members of the body, which is the same obligation when performing prayers, and may only reveal the face and two palms.<sup>14</sup>

Imam an-Nawawi thinks that the genitalia of a woman is all parts of her body except for her face and palms. An-Nawawi also mentioned that even when someone is about to propose marriage, what can be seen from the woman's limbs is only limited to the face and the palms of her hands.<sup>15</sup> The argument used as a reference was included in the hadith book of Imam Muslim, from the path of Abu Hurairah, which explained that there was an order from the Prophet Muhammad that friends who were getting married to see the candidate they would match. The Apostle said then that women

<sup>7</sup>Wahhab az-Zuhaili, *Tafsir al-Munir*, Juz XVIII, (Bairut: Dar al-Fikr, 2008), h. 549-550.

<sup>8</sup>Ibrahim ibn Fathi ibn `Abd al-Muqtadir, *Wanita Berjilbab Vs Wanita Pesolek*, (Jakarta: Sinar Grafika Offset, 2010), h. 92.

<sup>9</sup>Anton Widyanto, dkk., *Menyorot Nanggore*, (Banda Aceh: Ar-Raniry Press, 2008), h. 94.

<sup>10</sup>Nasaruddin Umar, *Fiqh Perempuan Berwawasan Keadilan Gender*, (Malang: UIN Maulana Malik Ibrahim Press, 2012), h. 80-81.

<sup>11</sup>Syaikh Ahmad Jad, *Shahih Fiqh as-Sunnah li an-Nisa'*, terj. M. Yasir Abdul Muthalib, dkk., *Fikih sunnah Wanita; Panduan Lengkap menjadi Muslimah Shalehah*, (Jakarta: Pustaka Al-Kautsar, 2008), h. 89.

<sup>12</sup>Muhammad ibn Idris asy-Syafi'i Abu `Abdullah, *al-Umm*, Juz I, (Bairut: Dar al-Ma`rifah, 1393 H), h. 89.

<sup>13</sup>Muhammad asy-Syarbaini al-Khathib, *al-Iqna' fi Hal al-Fazh abi Syuja'*, Juz I, (Bairut: Dar al-Fikr, 1415 H), h. 146.

<sup>14</sup>Abu al-Hasan `Ali ibn Muhammad ibn Muhammad ibn Habib al-Bashri al-Baghdadi, *al-Hawi fi Fiqh asy-Syafi'i*, Juz II, (Bairut: Dar al-Kutub al-Ilmiyah, 1994), h. 167.

<sup>15</sup>Ibrahim ibn `Ali ibn Yusuf asy-Syirazi Abu Ishaq, *al-Muhazzab fi Fiqh al-Imam asy-Syafi'i*, Juz II, (Bairut: Dar al-Ma`arif, 1998), h. 34.

among the Ansar had something in their eyes. The meaning of the words of the Prophet SAW was not explained,<sup>16</sup> but this means that seeing the sights and being part of the face is a permissibility in carrying out the marriage process.

Abu Hasan explained, by quoting a hadith narrated by Imam at-Tirmizi, regarding the Prophet SAW's warning to one of his friends, who happened to uncover his clothes so that his thighs were exposed accidentally. Then the Prophet SAW had to cover the thighs. Indeed, in this incident, the Prophet's friend was a man, so it was known that the thighs were genitalia suitable for men and parts of the genitals that women should not be exposed to.<sup>17</sup> Indeed, in this incident, the Prophet's friend was a man, so it was known that the thighs were genitalia suitable for men and parts of the genitals that women should not be exposed to.

After explaining the opinion of the majority of madhhab scholars regarding the boundaries of women's private parts and a slight difference in understanding the contest of genital limits using the veil, M. Syahrur has the view that there is a minimum limit for believing women in covering their genitals or *satr al-juyub* contained in QS. An-Nur/24:31, covering the chest and genitals and not naked. The maximum limit is to protect the genitals or the whole body, apart from the face and palms. This means that the hijab, commonly used in Indonesia, includes part of the genitals because it has fulfilled the provisions of Allah SWT.<sup>18</sup>

M. Syahrur argues a veil is a form of action that has come out of the provisions of Allah SWT (*hududullah*) because the veil

exceeds the specified maximum limit, namely the private parts except for the face and palms. In contrast, the veil covers all parts of it, so in M. Syahrur veil does not cover Islamic genitalia because it exceeds the maximum limit set by Allah SWT.<sup>19</sup> M. Syahrur thinks that the minimum limits for female genitalia are contained in QS. An-Nur/24:31.<sup>20</sup>

M. Syahrur interprets the verses of QS. An-Nur/24:31, which includes the word *al-juyub* understood as a hole or gap in a woman's body and hidden, between the breasts and underneath, under the two armpits, genitals, and buttocks. Even though the eyes, nose, and ears fall into the *juyub* category, these are the things that are usually shown, or the jewelry that is usually seen, and are part of a woman's identity. M. Syahrur emphasized that women who believe must cover the hidden *al-juyub* but allow the visible *al-juyub* to be seen by others.<sup>21</sup>

According to M. Syahrur, most women's clothes today have not violated *hududullah* (minimum and maximum limits) as long as the woman is not naked because if she is like this, she is said to be violating Allah's limits.<sup>22</sup> This is because M. Syahrur argues in QS. An-Nur/24:31, there are parts of a woman's body that can be divided into two parts, the first part is a part that cannot be seen at all, while the other part is a part of the body that other people can see because it has become a habit.<sup>23</sup>

Regarding the views and thoughts of M. Syahrur, many Islamic thinkers have harshly criticized him, including Nasr Hamid Abu Zaid.<sup>24</sup> Among his forms of criticism, he stated that M. Syahrur was someone who was tendentious and tarnished in his reading

<sup>16</sup>Muslim ibn al-Hajjaj Abu al-Hasan al-Qusyairi an-Naisaburi, *al-Jami' ash-Shahih al-Musamma Shahih Muslim*, Juz VII, (Bairut: Dar al-Fikr, 1998), h. 251. Nomor hadis ke-2552.

<sup>17</sup>Muhammad ibn 'Isa ibn Saurah ibn Musa ibn adh-Dhahak at-Tirmizi Abu 'Isa, *Sunan at-Tirmizi*, Juz IX, (Bairut: Dar al-Fikr, 1998), h. 484. Nomor hadis ke-2720.

<sup>18</sup>Muhammad Syahrur, *Al-Kitab wa al-Qur'an; Qira'ah Mu'ashirah*, terj. Sahiron Syamsuddin dan Burhanuddin Dzikri, *Prinsip dan Dasar Hermeneutika Al-Qur'an Kontemporer*,

(Yogyakarta: eLSAQ Press, 2004), cet. 1, h. 463-464.

<sup>19</sup>*Ibid.*

<sup>20</sup>Muhyar Fanani, *Fiqh Madani; Konstruksi Hukum Islam di Dunia Modern*, (Yogyakarta: LKIS Printing, 2010), h. 289.

<sup>21</sup>*Ibid.*

<sup>22</sup>*Ibid.*, h. 289. 289.

<sup>23</sup>Syahrur, *Al-Kitab wa al-Qur'an*, terj. Syamsuddin dan Dzikri, *Metodologi Fikih*, h. 516.

<sup>24</sup>Fanani, *Fiqh Madani*, h. 289. 12.



of Islamic religious sources. There are at least three aspects that can prove this. The first is the mixing of rigidity and static elements, denying the famous historical concept (a historical); more dominantly participating in the currents of Western thought, resulting in the results of his thinking that can damage the history of Muslims.

This background causes the writer to be interested in researching Muhammad Syahrur's Ijtihad method of determining the boundaries of women's genitals.

## Method

This type of research is included in the kind of research is content analysis. It is meant by content analysis, namely analyzing the contents of M. Syahrur's opinions and works related to the boundaries of women's private parts in M. Syahrur's books, both in direct books and books that have been translated.

The scientific approach used in this study is the Jurisprudence approach because the discussion is related to one part of the fiqh legal system, which contains the limits of genitalia for women. Apart from using the Jurisprudence approach, another approach is the interpretation approach. What is meant by the interpretation approach here is the interpretation carried out by M. Syahrur in several verses of the Koran, which are used as the basis and basis for his thinking in determining the boundaries of women's private parts.

The Primary Data Sources of this study include:

1. Muhammad Syahrur, al-Kitab wa Koran; Qira'ah Mu'ashirah;
2. Muhammad Syahrur, Dirasah Islamiyyah Mu'ashirah fi ad-Daulah wa al-Mujtama';
3. Muhammad Syahrur, Al-Islam wa al-Iman; Manzhumah al-Qiyam;
4. Muhammad Syahrur, Masyru' al-'Amal al-Islami;
5. Muhammad Syahrur, Nahw Ushul Jadidah li al-Fiqh al-Islami;
6. Muhammad Syahrur, Tajfif Manabi' al-Irhab;
7. Muhammad Syahrur, Madkhal ila al-Qishashi wa al-Qishati Adam;

8. Muhammad Syahrur, The Divine Text and Pluralism in Muslim Societies;
9. Muhammad Syahrur, Islam and the 1995 Beijing World Conference on Women, in Charles Kurzuman (ed.), Liberal Islam: A Sourcebook;
10. Muhammad Syahrur, Nahwu Ushul Jadidah li al-Fiqh al-Islami, trans. Sahiron Syamsuddin and Burhanuddin Dzikri, Methodology of Contemporary Islamic Jurisprudence;
11. Muhammad Syahrur, al-Kitab wa Koran; Qira'ah Mu'ashirah, trans. Sahiron Syamsuddin and Burhanuddin Dzikri, Principles and Basis of Contemporary Koran Hermeneutics;
12. Muhammad Syahrur, Epistemology of the Qur'an Contemporary Interpretation of Qur'anic Verses Based on Historical Materialism-Dialectics, trans. M. Firdaus;
13. Muhammad Syahrur, Methodology of Contemporary Islamic Fiqh, trans. Sahiron Syamsudin and Burhanuddin;

The steps taken in collecting data contained in M. Syahrur's book include:

1. Gather M. Syahrur's opinion on the boundaries of women's private parts in various books;
2. Gathering the arguments on which M. Syahrur relied in carrying out his ijtihad;
3. Examine M. Syahrur's thoughts on the arguments used, both the arguments of the Koran, Hadith or the opinions of the scholars he cited;
4. Understand the writings of M. Syahrur about the boundaries of women's private parts from various existing data;
5. Describe the meaning of genitalia from M. Syahrur's perspective, as well as its limitations;
6. Finally presents the results of M. Syahrur's research on the limits of female genitalia.

The author chose the content analysis method to analyze this study's data. Mudjia Rahardjo again explained that his way of content analysis is to focus on aspects of the content of the text. The second analysis that the author uses is the method of comparative

analysis, namely a comparative analysis of opinion or ijtihad initiated by M. Syahrur and the classical and contemporary Sunni scholars, both from the Hanafi, Maliki, Shafi'i schools and also the Hanbali school, related to the boundaries female genitalia..

## Result and Discussion

### Limits of Female Aurat According to M. Syahrur.

According to him, genitalia has the same meaning as the word *as-sau'ah*, which is interpreted in two ways, the first is a symbolic meaning, and the other is an essential meaning. *Awra* with a figure of speech (connotation) means the genital parts that cannot be shown, namely the limbs that are not allowed to be seen by other people who are not mahrams. Showing these limbs may annoy others. The word genitalia is identical to the word disgrace (*fadhilah*) and *jifah* (the corpse of something disgusting). This he understood from QS. *Al-Ma'idah/5:31*,<sup>25</sup>

Meaning: Then Allah ordered a crow to dig in the earth to show him (Qabil) how to bury his brother's corpse; said Qabil: "Oh my woe, why can't I do like this crow, then I can bury my brother's corpse?" therefore he was one of those who repent. (QS. *Al-Ma'idah/5:31*)

The word *aurat*, in terms of connotative meaning, is interpreted by M. Syahrur as evil (*al-qubh*). This is explained in several hadiths of the Prophet SAW related to comparing women who are physically good with those who are not good physically. Hadith explains that even though a good woman looks ugly but can give birth to children, that is better than a beautiful woman but barren.<sup>26</sup> *Aurat* can also be interpreted as *al-Barash*, a disease in the form of white on the skin.

*Awra* is interpreted as something that he will be ashamed of when shown or seen by others. M. Syahrur thinks genitalia has nothing to do with matters of halal or haram.

It is related and directly related to people's lives. Therefore, if someone is ashamed to see parts of his body, he cannot show them. M. Syahrur sees that the problem of the intimate part of a woman (*al-juyub*) is absolute and unchanging, while the problem of genitalia is a matter of tradition; its nature can change and is relative under the traditions and habits of a human being in a place. The quote is as follows:

في رأينا فرق بين الأعضاء التناسلية والجيوب، والكلمتان لهما معاني مختلفة. العورة عامة ونسبية، ومعنى الجيوب مطلق ولا يتغير. وجزء الجيوب هو عضو تناسلي كبير ويجب عدم كشفه لأنه يسبب الإحراج. وأجزاء الجيوب هي الأعضاء التناسلية والأرداف والثدي والإبط. بالإضافة إلى ذلك، فهو جزء من شيء يمكن رؤيته أو إخفاؤه، اعتمادًا على حالة المجتمع.<sup>27</sup>

Meaning: In our opinion, there is a difference between genitalia and *al-juyub*. The two words have different meanings. *Awra* is general and relative, while the meaning of *al-juyub* is absolute and does not change. The part of *al-juyub* is large genitalia and should not be exposed because it will cause embarrassment. The parts of *al-juyub* are the genitals, buttocks, breasts, and armpits. In addition, it is part of something that can be seen or hidden, depending on the community's situation.

M. Syahrur explained from the interpretation of Ibn 'Abbas and Qatadah regarding *libas at-taqwa*, both of them interpreted it as good deeds; therefore, M. Syahrur interpreted the word *as-sau'ah* as a bad deed contained in a person, so that if it is exposed or known other party, then he would be embarrassed. For this reason, M. Syahrur, in interpreting the Koran verses related to Allah SWT's words regarding *fa badat human sau'aatuhumaa* contained in QS. *Al-A'raf/7:22* is not interpreted as the

<sup>25</sup>Muhammad Syahrur, *Al-Kitab wa Al-Qur'an; Qira'ah Mu'ashirah*, (Damaskus: al-Ahali li ath-Thiba'ah wa an-Nasyr wa at-Tauzhi', 1990), h. 604.

<sup>26</sup>*Ibid.*, h. 605.

<sup>27</sup>*Ibid.*, h. 606.

appearance of intimate (naked) limbs. Still, it is interpreted as the opening of the guilty nature of bad deeds in Adam and Eve when they came down to earth and ate the fruit of khuldi, which Allah SWT forbade them to eat. Therefore, there is no correlation between the concept of genitalia in the QS verse. Al-A'raf/7:22 above, with the act of covering the limbs with paradise leaves.<sup>28</sup> This is different from Ulama's understanding of the verse, which is understood in its true meaning, while he understands it as a figure of speech.

Regarding `aurah, for him, `aurah is something that, when exposed, will result in embarrassment, and this definition is the consensus of scholars on the meaning of genitalia itself. It's just that M. Syahrur thinks that the issue of genitalia has nothing to do with halal and haram because the problem was only mentioned about the prohibition of the Prophet Muhammad, for those who are ashamed to reveal parts of their body parts, then he should cover them.

Awra is directly related to the presence of shame; that is, a person is not willing to show parts of his body. He said that shame is relative, so it is not absolute and adapted to the customary traditions in certain areas; only when mentioning the al-juyub is it fixed and does not change, such as parts of the intimate organs, buttocks, and breasts. And also the armpits; the rest is the genitalia, which can be adapted to certain traditions and customs of an area and to the times.

She is returning to the subject matter of the problem formulation, related to the boundaries of women's private parts, according to M. Syahrur. According to M. Syahrur, the clothing of the majority of women on this earth has not violated hududullah (minimum and maximum limits), as long as the woman is not naked, because if she is like this, then the woman is said to be violating the limits of Allah SWT. He argues in QS. An-Nur/24:31, there are parts of a woman's body that can be divided into two parts, the first part is a part that cannot be seen at all, while the other part is a part of the body that other people can see because it has become a habit. According to M. Syahrur, the

boundaries of female genitalia are divided into two parts. First, qism azh-zhaarah bi al-Khalq. Second, qism ghary azh-zhaahir bi al-khalq. What is meant by qism azh-zhaarah bi al-Khalq is a part of the body that opens naturally.

Following the verse above understood by M. Syahrur, hidden ornaments, and ornaments are usually visible to a woman. Ornaments that are usually seen on women and are not categorized as genitals by M. Syahrur, such as the head, stomach, back, two legs, and two hands for women. so that when showing these parts is not a problem.<sup>29</sup>

The second part, qism ghary azh-zhaar bi al-khalq, is part of the shape and composition of the female body, which Allah SWT hides. M. Syahrur calls this part the term al-juyub. M. Syahrur argues the word al-juyub is hollow or open and consists of two parts. Therefore, al-juyub on a woman's body can be a part of the body in the form of a breast, armpit, genitals, and anus or part of a woman's buttocks. Therefore, all parts of this al-juyub by M. Syahrur are said to be obligatory for a woman to close. al-juyub is the highest limit of closing a woman's genitals, known as had al-a'la.

The third part, in the discussion of nama'ujiz li al-fiqh al-hadid fi, feels maudhu'i al-mar'ah fi al-Islam, especially in the discussion of libas ar-rijal wa al-mar'ah wa sulukihuma al-ijtima'i. It understands QS. An-Nur/24:31, M. Syahrur gives three main parts: the messages in verse. First, there are orders in terms of guarding or restraining views (yaghudhdhu min absharihim), secondly regarding protecting the private parts (yahfazhna furujahunna), and third part regarding the issue of jewelry and female genitalia (wa la yubdina ziinatahunna).

The first part deals with the problem of maintaining views (yaghudhdhu min absharihim), M. Syahrur argues that the word min (jar) in verse shows the meaning of a part (li at-tab'idh), not the whole (li al-kull). Therefore, in terms of guarding or withholding views, according to M. Syahrur, the Koran does not order all or all views, therefore in the realm of daily interaction, it

<sup>28</sup>*Ibid.*, h. 607.

<sup>29</sup>*Ibid.*, h. 612.

is permissible for a woman and a man to look at each other to facilitate social interaction.

The second part, related to the problem of protecting the private parts (yahfazhna furujahunna), M. Syahrur categorizes into two parts, the first is protecting the private parts from acts of adultery, the second is protecting oneself from seeing (al-Bashar) that is not rightfully his. Finally, the third part deals with the issue of jewelry and female nakedness (wa la yubdina ziinatahunna). M. Syahrur, in this issue, provides two major divisions; the first is the problem of visible jewelry, and the second is the hidden one. Especially for jewelry that is usually visible, M. Syahrur classifies it again into three things, namely jewelry in the form of objects, jewelry for places or locations, and the third is a combination of the nature of the location and objects.

Jewelry in the form of objects can be in the form of decorations or designs; it can also be interpreted as jewelry such as bracelets, necklaces, and others; this follows what is stated in QS. An-Nahl/16:8. A believing woman is obligated to cover the hidden al-juyub but allows other body ornaments (members) that are normally visible to be seen by others. The maximum limit of female genitalia is based on the hadith narrated by Abu Dawud,<sup>30</sup>

Regarding jewelry, it concerns the place or location in the form of public spaces, such as city parks, nature reserves, trees, and others. This is stated in QS. An-Nur/24:31. The third part is the combined adornment of location and material properties. What M. Syahrur meant, in this case, was the development of technology and human inventions in various fields.

The second part of hidden jewelry is related to women's private parts (wa la yubdina ziinatahunna). M. Syahrur explained that this section is divided into two parts, the first part of the open body and the second part of the hidden body, in the form of a woman's body composition. He interprets the verse QS. An-Nur/24:31, which includes the word al-juyub, he understands as a hole

or gap in a woman's body, hidden, between the breasts and underneath, under the two armpits, genitals, and buttocks. Even though the eyes, nose, and ears are included in the juyub category, these are the things that are usually shown, or the jewelry that is usually seen, and are part of a woman's identity.

The Qur'anic verse which explains wal yadhribna bi khumurhinna `ala juyubihinna is interpreted as an order to cover the part of al-juyub, namely the hidden limbs of women, including the genitals, buttocks, breasts, and armpits, namely from the female limbs which consist of holes or gaps. For this reason, the verse containing the word khimar cannot be interpreted as covering all the body members, but the commandment in verse is limited to covering the hidden limbs of women.

Therefore, according to M. Syahrur, there are many terms used to cover body parts, such as the words tsiyab (clothing), jilbab (women's outerwear), khimar (covering), are substitutes for the term al-hijab which is popularly used in society. For M. Syahrur, the word al-hijab is found in the Koran 8 times, namely in QS. Al-A'raf/7:46, QS. Al-Ahzab/33:53, QS. Ash-Shadh/38:32, QS. Fushshilat/41:5, QS. Asy-Shura/42:1, QS. Al-Isra'/17:45, QS. Maryam/19:17, and QS. Al-Muthaffifin/83:15 has nothing to do with women's clothing; M. Syahrur interprets these verses as al-hajiz, namely as a barrier.

He continued there is a prohibition in terms of looking at women who are not mahram, in the sense of looking at the limbs (al-juyub) or the large genitalia of women, such as the genitals, for example, because that is the verse of QS. An-Nur/24:31, there is nothing to prohibit looking at the opposite sex who is not a mahram when communicating or social interaction, for example. The existence of the Qur'anic language explains clothing (libas), defined as clothing for activities (libas al-khariji), such as trousers, robes, head coverings, and the like. All of these protect from natural disturbances, such as hot or cold weather. In this case, clothing (libas) is relative, adapted

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<sup>30</sup>*Ibid.*, h. 616-617.



to a particular area's climate and geographical conditions, and adapted to the socio-cultural of a society.

The theory he puts forward is related to using the boundary theory in matters of women's clothing and private parts, resulting in an understanding of its own. The minimum limit (al-hadd al-adnaa) for a woman's private parts that must be covered is only the genitals, buttocks, breasts, and armpits. In contrast, the maximum limit (al-hadd al-a'ala) is the entire body apart from the face and the two palms. These two specified limits are still in the category of religious provisions; if it is too less than the minimum limit that has been determined, then it is prohibited in Islam. If it exceeds th<sup>31</sup>

There is a minimum limit for believing women to cover their genitals or *satr al-juyub* contained in QS. An-Nur/24:31, covering the chest and genitals and not naked. The maximum limit is to cover the genitals or the whole body, apart from the face and palms; this means that the headscarves commonly used in Indonesia are included as part of the private parts because they have fulfilled the provisions of Allah SWT.<sup>32</sup> A veil is a form of action that has come out of the provisions of Allah SWT (hududullah) because the veil exceeds the specified maximum limit, namely the private parts except for the face and palms. In contrast, the veil covers all parts of it. According to M. Syahrur, the veil does not cover Islamic genitalia because it exceeds the maximum limit set by Allah SWT.<sup>33</sup>

M. Syahrur's application of limit theory (nazhariatul hudud) in the matter of the boundaries of women's private parts states a woman cannot be naked, except for her husband, because if that is done, the woman's act has exceeded or exceeded the minimum limit (al-hadd al-adna). The parts that must be covered and constitute genitalia for women are following the minimum limit (al-hadd al-adnaa), namely the lower part (al-juyub as-sufliyah), (al-juyub as-sufliyah) consisting of the genitals, buttocks, armpits, and breasts. All of these are heavy *awra* ('aurat al-mughalazhah).

The limitations of women's private parts in social activation in their society cover the minimum limits (al-hadd al-adnaa), as well as parts of a woman's body that must be covered following the perception of society when they consider it a part of the body that cannot be shown. You can't exceed the maximum limit (al-hadd al-a'ala) because you can't cover your face and palms. After all, showing these two parts is still within the limits of permissibility, and it's even forbidden to cover them because it violates Allah SWT's rules (hududullah). On the contrary, for M. Syahrur, women who do not cover their heads are permissible because they are still within the al-hadd al-a'ala corridor (maximum limit). Another matter regarding head coverings for women, such as turbans, headscarves, and others, has nothing to do with Islam and one's faith in carrying it out; it only becomes a habit among the general public

#### **The Ijtihad Method Used by M. Syahrur in Determining the Limits of Women's Aurat**

M. Syahrur poured out many ideas in various fields of Islamic scholarships, such as his book entitled *al-Kitab wa Al-Qur'an: Qira'ah Mu'ahshirah*, and this book was later perfected again with his other book entitled *Nahwa Ushul al - Jadidah li al-Fiqh al-Islami*. The two books contain many of M. Syahrur's ideas related to women's themes, especially regarding women's clothing, using his boundary theory (nazhariatul hudud) theory. The boundary theory intended by M. Syahrur contains the minimum and maximum legal limits of something. This theory can be understood as if it provides breadth for Muslims in understanding and practicing their Islamic religious teachings in everyday life. He also echoed the theory offered by M. Syahrur in the form of answers to people's problems so that they get satisfaction and remain relevant to the current context.

The method used by M. Syahrur in determining the boundaries of women's private parts is his theory known as the boundary theory or nazhariatul hudud

<sup>31</sup>*Ibid.*, h. 617-618.

<sup>32</sup>*Ibid.*, h. 618.

<sup>33</sup>*Ibid.*, h. 618-619.

contained in al-Kitab wa al-Qur'an Mu'ashirah. The theory put forward by M. Syahrur cannot be separated from his understanding of the sources of Islamic teachings, such as the Koran, sunnah, ijma, qiyas, texts, and other matters that are different from the consensus of scholars in general. After having a sufficiently mature understanding of interpreting and new meanings in the method of taking M. Syahrur's law, he offered a theory known as the limit theory or what is commonly called nazhariatul hudud (hudud theory).

When referred to in the Qur'an, the word hudud itself is found in 5 (five) letters, and in total, there are 14 (fourteen) times the word hudud or had. QS. Al-Baqarah/2:187, 229, and 230. 1 (one) time means a prohibition and 6 (six) times means laws. In QS. An-Nisa'/4:13, and 14, 1 (one) word each, all of which mean provisions. On QS. At-Taubah/9:97, and 112, each has 1 (one) word, all of which means laws. On QS. Al-Mujadilah/58:4, there is 1 (one) time which means laws, and finally, the word hudud or had is found in QS. Ath-Thalaq/65:1, there are 2 (two) times, and all of them mean laws.<sup>34</sup>

M. Syahrur believes that hudud itself is divided into two parts, first in matters of worship (hudud fi al-'ibadah), second in law (al-hudud fi al-ahkam). Hudud, in the first sense, there is no area of ijtihad in it, such as the problems of Islam and the pillars of Faith. In contrast, hudud in the second category requires a contextual interpretation following the minimum and maximum limits offered by M. Syahrur.

In general, it is said that there is a minimum limit (al-hadd al-adnaa) and a maximum limit (al-hadd al-a'la) as a determinant of human actions against the rules of Allah SWT. The minimum limit is the lowest provision of the rules prescribed by Allah SWT, while the maximum limit is the highest limit of a rule. Therefore, it is not permissible to do something less than the minimum limit and also not to do anything

more than the maximum limit.

M. Syahrur explained every command of Allah, both expressed in the Qu.<sup>35</sup>

The theory of nazariatul hudud is then categorized into 6 (six) sections that are applied in various fiqh issues, first the highest limit or maximum limit (halat hadd al-a'la), second, the lowest limit or minimum limit (halat hadd al-adnaa), third, maximum and minimum limits go together (halah hadd al-a'la wa al-adnaa ma'an), fourth, have no maximum or minimum limits (halah al-mustaqim), fifth, maximum limits and one point approaching the line straight adjacent to each other (halah hadd al-a'la duna al-mamas bi al-hadd al-adnaa Abadan), and finally the sixth part, is the positive maximum limit that cannot be exceeded and the negative (minimum) lower limit that can be exceeded (halah hadd al-a'la mujab mughlaq la yajuz tajawuzuhu wa al-hadd al-adnaa crusaders yajuz tajawuzuhu).

As stated above, the theory of nazariatul hudud initiated by M. Syahrur can be applied to various problems in Islamic law. Therefore, the theory directly applicable to all sections and problems in Islamic law has its references. Call it in the first part, namely the highest or maximum limit (halat hadd al-a'la). This theory can be applied in the case of theft (saraqah). The theft verse used as an argument for punishing the culprit refers to QS. Al-Ma'idah/5:38,

Meaning: Men who steal and women who steal cut off their hands (as) revenge for what they do and as punishment from Allah. and Allah is Mighty, Most Wise. (QS. Al-Ma'idah/5:38)

Interpreting the verse above, M. Syahrur thinks that the heaviest punishment that can be carried out for the crime of theft is simply cutting off one's hand. Therefore, giving a sentence heavier than cutting off one's hand is no longer permissible. Conversely, the punishment for the perpetrators of theft can be lighter due to conditions, motives, or background in life that causes the theft to be

<sup>34</sup>Muhammad Hasan al-Hamshi, *Quran Karim; Tafsir wa Bayan Asbab an-Nuzul li as-Suyuthi ma'a Fähras Kamilah li al-Mawadhi' wa al-Fazh*, (Damsyiq: Dar ar-Rasyid, 2012), h. 75.

<sup>35</sup>Syahrur, *Al-Kitab wa Al-Qur'an*, h. 444-445.

committed.<sup>36</sup> M. Syahrur, in his analysis of the verses of QS. Al-Ma'idah/5:38 mentions that the word *faqtha'u* itself has two meanings: cutting it physically and doing it non-physically. For M. Syahrur, the word *qatha'a* cannot only be interpreted as a physical cutting but can be interpreted meaningfully.<sup>37</sup>

The second part of the theory of *nazariatul hudud* is Second, the lowest limit or minimum limit (*halat hadd al-adnaa*). This theory can be applied to the problem of marriage, namely, the people who are allowed to marry. The verse used as an example is the verse contained in QS. An-Nisa'/4:22-23.

Meaning: 22. And do not marry women who have been married by your father, except in the past. Verily, this deed is abominable and hated by Allah and the worst path (taken). 23. It is forbidden for you (to marry) your mothers, your daughters. Your sisters, your father's sisters; your mother's sisters; the daughters of your brothers; the daughters of your sisters; your mothers who breastfeed you; a suckling sister; your wife's mothers (in-law); the children of your wife who are in your care from the wife you have mixed with, but if you have not mixed with your wife (and have divorced), then you are not sinful to marry her; (and forbidden to you) the wives of your biological children (in-law); and bringing together (in marriage) two women who are sisters, except what has happened in the past; Indeed Allah forgives, Most Merciful..<sup>38</sup>

Third, the maximum and minimum limits go together (*halah hadd al-a'la wa al-adnaa ma'an*). Part of the application of this theory is included in the problem of the boundaries of women's genitals. The Qur'anic verses used as evidence in this matter are found in QS. An-Nur/24:31. The verse is as follows:

Meaning: Say to women who believe: Let them restrain their gaze and genitals, and let them not show their jewelry, except what (ordinary) is visible to them. And let them cover their veils over their breasts, and do not show their ornaments except to their

husbands, or their fathers, or their husbands' fathers, or their sons, or their husbands' sons, or their brothers, or their brother's sons, or their sister's sons, or Muslim women, or the enslaved people they owned, or male servants who had no desire (towards women) or children who had not to understand about women's genitals. And let them not stamp their feet so that the ornaments they hide will be known. And repent to Allah all of you, O you who believe you may succeed. (QS. An-Nur/24:31)

Minimum limits (*al-hadd al-adnaa*) and maximum limits (*al-hadd al-a'la*) are part of determining the boundaries of women's private parts. M. Syahrur thinks that for women, there are special rules regarding covering the genitals, namely the boundaries of the genitalia that may not be shown to those who are not mahrams or to those who are not their husbands. At a minimum, a woman is required to cover parts of her large genitalia, such as the genitals, buttocks, breasts, and also the armpits. All of these fall into the category of *al-juyub* (hole or gap).

The maximum limit for a woman's genitals to be covered is the entire body apart from the face and the two palms; therefore, the *niqab* (veil) is an act that exceeds the limits of *al-hadd al-a'la*, so it is contrary to the rules set by Allah SWT. Covering the head of even a woman for M. Syahrur is due to necessity, not because of an obligation or based on the values of faith from Islamic religious teachings. It is a natural attitude to protect the body from something that can hurt, such as heat or cold, so that women can cover their heads, not from a religious order but only because of necessity.

Fourth, it has no maximum or minimum limit (*halah al-mustaqim*). According to what is contained in QS, the fourth part of this theory can be applied to the problem of adultery. An-Nur/24:2, as follows:

Meaning: A woman who commits adultery and a man who commits adultery, then lash each one of them a hundred lashes, and let no compassion for them prevent you

<sup>36</sup>*Ibid.*, h. 455.

<sup>37</sup>*Ibid.*, h. 455.

<sup>38</sup>*Ibid.*, h. 456.

from (carrying out) Allah's religion, if you believe in Allah and the Hereafter, and let (the execution of) their punishment be witnessed by a group of people who believe. (QS. An-Nur/24:2)

According to what Allah SWT has explained in the verse above about the punishment for adultery, there is no realm of ijtihad anymore. Therefore, adultery perpetrators who have never been married can be whipped with a penalty of 100 (one hundred) lashes, and it is emphasized that when the sentence is carried out, there should be no mercy in carrying out the sentence. It was feared that pity would result in silence or failure to carry out caning for adultery perpetrators.

Fifth, the maximum limit and one point close to a straight line are close together (halah hadd al-a'la duna al-mamas bi al-hadd al-adnaa Abadan). This theory is closely related to patterns of interaction between women and men, namely when there is physical intercourse, from touch, but not yet to the act of adultery. The lowest limit is touching, while the highest is adultery. Therefore, relations between men and women lead to adultery but cannot be punished like the punishments given to the perpetrators of adultery.

Sixth is the maximum positive limit that must not be exceeded and the lower (minimum) negative limit that may be exceeded (halah hadd al-a'la mujab mughlaq la yajuz tajawuzuhu wa al-hadd al-adnaa cross yajuz tajawuzuhu). This theory is applied to the problem of property rights for other people, such as Zakat, and the problem of usury. Zakat is a matter that may be exceeded because the measure of zakat is part of the minimum provisions (al-had al-adnaa); the excess of the nominal size of zakat is generally known as alms. It is different from the problem of usury, the excess of transactions carried out is something that has exceeded the limit (al-hadd al-a'la), so it is prohibited to do

### **The Consequences of the Ijtihad Method Used by M. Syahrur in Determining the Boundaries of Women's Awra in the Islamic World**

The theory used by M. Syahrur is the theory of Nazhariyatul Hudud (Limit Theory). The theory used by M. Syahrur explains that a minimum limit (had al-adna) in women's clothing is generally accepted. There are three categories in had al-adna: al-juyub al-'ulwiyah and al-juyub as-sufliyah. Included the part of al-juyub al-'ulwiyah (covering the upper part), namely the breast, under the armpits, while part of al-juyub al-'ulwiyah (covering the lower part) is the intimate area. The maximum limit (had al-a'la) is as explained in the hadith narrated by Rasulullah SAW; the hadith is quite popular, namely maa zhahara minha, something that is usually seen in the form of the face and the palms of the hands.

It started with an order to cover the genitals from Allah SWT to Rasulullah SAW so that Rasulullah SAW ordered his wives and children to stretch out the headscarf. This verse was understood by M. Syahrur, especially for the wives of Rasulullah SAW, while his people were not ordered. The headscarf is a tradition in the view of M. Syahrur, and this is a view that deviates from the rules of al-'ibratu bi 'umumi lafzhi la bi khushushi sabab which scholars have used in understanding the verses of the Koran. In addition, if each command is interpreted specifically to those who are ordered, there will be many verses of the Koran and the hadith of the Prophet SAW, which cannot be applied anymore.

The existence of the nazhariyatul hudud (limit theory) put forward by M. Syahrur in the matter of genital limits for women has many implications. First, there is neglect of the verses of the Koran, which are generally used as an argument for a rule limiting female genitalia. Secondly, many hadith arguments are left out; this is due to M. Syahrur's opinion that hadith is not revelation. For example, the hair problem, according to M. Syahrur, is that it is still permissible to show because it is still within the limits of al-hadd al-adnaa. In contrast, in the hadith narrated by Imam



Muslim, for example, a woman's hair is one of the reasons she becomes the inhabitant of hell when shown to those who are not mahram.

The limitation of M. Syahrur's genitals, which rejects the use of the veil or khimar, because the maximum limit of a woman's genitals is only up to covering all parts of the body apart from the face and palms, results in differences in some schools of opinion which require the veil (niqab) for beautiful women who feared slander for showing his face, even though the instinct al-ahkam of the school's imam in this matter is more consistent to cover his genitals, compared to the opinion expressed by M. Syahrur. Even M. Syahrur's thoughts will eventually build a negative stigma for women who use the veil (niqab) daily because they have crossed the line in carrying out their religious symbols. In contrast, for M. Syahrur himself, the head covering or turban for women is part of people's habits that have nothing to do with religious teachings, and this opinion is very misleading.

In addition, the meaning of hudud or had, which was understood by M. Syahrur, did not coincide with that understood by previous scholars. Scholars understand that hudud is a punishment and a rule, while for M. Syahrur, it is understood as a limitation in a rule. Of course, this will have other consequences in Islam's very broad teachings and understanding.

According to M. Syahrur, the boundaries of women's genitals are different from those that have been ijtiḥad by most scholars. As emphasized by Imam ash-Shafi'i in his book al-Umm, the boundaries of a woman's private parts are the entire body, except for the two palms and the face.

The limits of genitalia that have been determined by the scholars following the arguments, both from the Qur'an and the Sunnah of the Prophet SAW, have also been explained by other scholars. Umar and Jad rewrote that the boundaries of women's private parts in the Sunni and Shi'a schools also have many similarities, which limit them with quite strict limits. It is undeniable that, in

several respects, there are differences. For example, in the case of using the veil and on the soles of the feet, both have differing opinions. Some say covering it is mandatory, while others do not. This difference can also be seen in scholars from the Shafi'i school of thought. Al-Muzani said that even the soles of the feet are part of a woman's private parts, so they must be covered, while the matter of the veil depends on the condition; sometimes, it is obligatory, and sometimes it is also a sunnah.<sup>39</sup>

Imam ash-Syarbaini himself, in his writings, mentions a connection between covering the genitals and worship. The genitals of women, whether free or enslaved people, even children, and adults, when praying must cover all limbs except the face and the palms of the hands. This opinion is confirmed by the argument in the Koran and a hadith narrated from 'A'ishah that only the face and palms can be shown according to custom.

Previous scholars have completely resolved the issue of clothing and covering the genitals for women. It's just that in recent times there have been many thoughts trying to "disturb" this good understanding by contrasting the teachings of Islam with current issues, such as emancipation, gender, and so forth. This negative view of the opinions of established scholars is increasingly being tested, and not a few give scathing and sharp criticism, giving a negative assessment of the results of the ijtiḥad of scholars who incidentally are experts and understand religion and understand important literature in Islam.

There is no need to doubt the mastery of the previous scholars. It's just that because of desire and lack of understanding, and as if they wanted to provide a new solution, in the end, it resulted in an understanding far from the teachings of Islam itself. Presumably, this is what M. Syahrur thinks is what the author thinks; the theory he offers looks luxurious but feels forced. M. Syahrur violated many rules in ijtiḥad, starting from understanding the verses of the Koran, ignoring the traditions of

<sup>39</sup>Umar, *Fiqh Perempuan*, h. 80-81.

the Prophet SAW, and confusion in providing solutions to existing problems.

## Conclusion

Limits of female genitalia, according to M. Syahrur. M. Syahrur's application of limit theory (nazhariatul hudud) in the matter of the limits of women's private parts states women cannot be naked because they exceed or exceed the minimum limit (al-hadd al-adnaa). The parts that must be covered and constitute genitalia for women are by the minimum limit (al-hadd al-adnaa), namely, the lower part (al-juyub as-sufliyah), (al-juyub as-sufliyah) consisting of the genitals, buttocks, armpits, and breasts. The limitations of women's private parts in social activation in society include the minimum limits (al-hadd al-adnaa) and parts of women's bodies that must be covered per public perceptions. It is not permissible to exceed the maximum limit (al-hadd al-a'ala) because it is not permissible to cover the face and two hands, such as veiling (niqab).

M. Syahrur used the ijthad method in determining the boundaries of women's private parts with his theory of nazhariatul hudud. As mentioned, there is a minimum limit (al-hadd al-adnaa) and a maximum limit (al-hadd al-a'ala). The minimum limit is the lowest provision of the rules prescribed by Allah SWT, while the maximum limit is the highest limit of a rule. Therefore, it is not permissible to do something less than the minimum limit and also not to do anything more than the maximum limit. As a result of the ijthad method used by M. Syahrur in determining the boundaries of women's genitals in the Islamic world, the neglect of the verses of the Koran, the many hadith arguments that were left out, M. Syahrur's refusal to use the veil or khimar, resulted in differences in some schools of opinion which required the veil (niqab) for beautiful women who are afraid of slander, building a negative stigma for women who use the veil (niqab) in their daily lives, because they are considered to have crossed the line in carrying out their religious symbols, for M. Syahrur the head

covering or turban for women is part of people's habits that have nothing to do with religious teachings, and this opinion is very misleading.

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