

**THE WISDOM OF SYARĪ'AH AL-AHWAL AL-SAKHSIYYAH  
ACCORDING TO ALI AHMAD AL-JURJAWI**

**HIKMAH SYARĪ'AH AL-AHWAL AL-SAKHSIYYAH MENURUT  
ALI AHMAD AL-JURJAWI**

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**Abstract:** *Ali Ahmad al-Jurjawi, a prominent scholar of wisdom and philosophy, looks at his fundamental and phenomenal work called Hikmat al-Tasyri' wa Falsafatuhu. The study aims to determine the wisdom of family law sharia according to Ali Ahmad al-Jurjawi. This research is library research, where the primary data is the Hikmat al-Tasyri' wa Falsafatuhu, the secondary source of the books relating to the discussion of Islāmic wisdom (maqālid) and the philosophy of Islamic law. The data is analyzed by the ushuliyah method with the measuring instrument maqālid al-syari'ah. The results of his research on the wisdom of sharia in family law (ahwal al-sakhssiyyah) is to uphold the goodness and benefit of the servant in making it hard to strengthen the ukhuwah Islāmiyah framed moral values in the household for the sake of the sakinah, mawaddah, and rahmah in the world and the hereafter, always holding fast to the nature of the goal of sharia in reciting the servant, which is to pair with one another and to complement each other so that the peace of life in the household and family can be realized, both husband and wife and children and the extended family among them.*

**Keywords:** *Wisdom, Sharia, Maallahah, al-Ahwal al-Sakhssiyyah.*

**Abstrak:** *Ali Ahmad al-Jurjawi salah seorang tokoh ulama ahli hikmah dan filsafat, terlihat pada karyanya yang fundamental dan fenomenal bernama Hikmat al-Tasyri' wa Falsafatuhu. Penelitian bertujuan untuk mengetahui hikmah Syari'ah hukum keluarga menurut Ali Ahmad al-Jurjawi. Penelitian ini model kepustakaan (library research), sumber data primernya Kitab Hikmat al-Tasyri' wa Falsafatuhu, sumber sekondernya kitab-kitab yang berkaitan dengan pembahasan hikmah Syari'ah (maqālid) dan filsafat hukum Islām. Data dianalisa dengan metode ushuliyah dengan alat ukurnya maqālid al-syari'ah. Hasil penelitiannya hikmah Syari'ah dalam hukum keluarga (ahwal al-sakhssiyyah) adalah menegakkan kebaikan dan kemaslahatan hamba dalam bermuamalah untuk mempererat ukhuwah Islāmiyah yang dibingkai nilai-nilai moral akhlak dalam berrumah tangga demi tercapai keluarga sakinah mawaddah warahmah didunia dan akhirat, dengan selalu berpegang teguh kepada hakikat tujuan syara'ah dalam mensyariatkan hambanya, yaitu saling berpasangan dan melengkapi satu sama lainnya agar terwujud ketenangan hidup berrumah tangga dan berkeluarga, baik suami istri dan anak-anaknya maupun keluarga besar diantara mereka.*

**Kata Kunci:** *Hikmah, Syari'ah, Maallahah, al-Ahwal al-Sakhssiyyah.*

## Introduction

Among the goals of humans in the world is to seek happiness. Human happiness can be pursued in various ways, from theological reviews, to the two models of religion, namely the religion of *ardh* (man-made) and the divine religion (revelation religion). While the religion of revelation is of three kinds, namely Judaism, Christianity and Islam, among the three religions, the religion of Islam is the religion that is most in love with science, both in general science and in religion, it is only natural that Islam highly respects the scholars and the book.<sup>1</sup> Of the many books of the ulama (Islamic scholars), there are books that are phenomenal because they reveal about the nature of worship, namely the book *Hikmat al-Tasyrî' wa Falsafatuhu* Ali Ahmad al-Jurjawi. This book is very important to be investigated in order to find out how the concept of thinking of Ali Ahmad al-Jurjawi in determining the purpose of Islamic law (*maqâsid al-syarî'ah*).

According to Ali Ahmad al-Jurjawi, the purpose of Islamic law (*maqâsid al-syarî'ah*) is in four important things, namely: 1). In order to know Allâh the Almighty; 2). In order to know the way of carrying out worship to Him, because Allah the Almighty has said in the letter of Abraham verse 34 which means: "And he has given to you (your needs) and all that you ask him. And if you count the blessings of Allah, you cannot count them. Man, is surely very wrong and very denying (favor of Allah)".<sup>2</sup> 3). In order to stop the tyranny of those who transgress the boundaries by making laws that are set for the benefit of the hu-

man race; 4). A Prompt for *al-amr bi 'l-ma'ruf wa nahy 'ani 'l-munkar*. These four important things are the goals of a law based on al-Jurjawi.<sup>3</sup>

Wisdom is one or several traits or state conditions that are used as wisdom or politeness in addressing a problem. According to experts, the *ushûl* of jurisprudence is defined to be *maqâsid al-syarî'ah*. Among the scholars who spontaneously discussed *maqâsid al-syarî'ah* namely Ali Ahmad al-Jurjawi in his fundamental and phenomenal work called *Hikmat al-Tasyrî' wa al-Falsafatuhu*. This book was written around the 1930s, which was published for the first time in Lebanon's printing of Dar al-Fikr Beirut, around 1994 AD or 1414 Hijrah. This book has a series of two (two volumes) thick books about each volume consisting of 200 to 300 pages.<sup>4</sup>

Moreover, this study will be more interesting because wisdom is closely related to the problem of 'illah law in *ijtihâd*<sup>5</sup> with the method of *qiyâs*. In the method of *qiyâs*<sup>6</sup> 'illah and wisdom have a very important role because the law is known if there are 'illah and wisdom of the law, in accordance with the rules of proposal: *الحكم يدور مع علته وجودا و عدما*. 'illah of a law certainly contains many benefits as well as an effort to reject adversity. The number of scholars to achieve benefit and refuse to be spiritual is actually wisdom, so

1 Al-Mujadalah: 11; see the RI Department of Religion, *Al-Qur'an dan Terjemahannya* (Semarang: PT. Karya Toha Putra, 2015), p. 910.

2 RI Ministry of Religion, *Terjemahan al-Qur'an...*, p. 348.

3 Ali Ahmad al-Jurjawi, *Hikmat al-Tasyrî' wa Falsafatuhu* (Bairut Lebanon: Dâr al-Fikr, 1994 M/ 1414 H), p. 5.

4 The first chapter 204 sheets and the second chapter 315 sheets, so that the whole is 519 pages.

5 Al-Ghazali, *al-Mustasfa Min 'Ilm al-Ushûl* (Egypt: al-Mathba'ah al-'Ilmiyyah, 1324 H), p. 350.

6 Muhammad Abu Zahrah, *Ushl al-Fiqhi* (t.tp: Dâr al-Fikr al-'Arabi, t.th), p. 218.

the wisdom is also called the part of the *'il-lah* of a law. *Maqâşid al-syarî'ah* is the wisdom desired by *al-syarî'ah*. Then the study related to wisdom always goes hand in hand with the study of the *maqâşid al-syarî'ah* so that the law can develop according to the situation and conditions from time to time. The problem is, can the development of science and technology have an impact on changes in wisdom and then the law changes? One example; Among one of the wisdoms is if a wife dies, her husband has to wait three months and ten days to find out whether the ex-wife of the deceased was pregnant or not. Now with the development of science and technology to find out whether a person is pregnant or not, it does not take long to wait for three months and ten days, because it can use tools such as the pregnancy test kit, or from an ultrasound test that on the day she dies it can be known whether she is pregnant or not. It turns out that the wisdom of the pensioner time is to ascertain whether the woman is pregnant or not is no longer compatible with the situation of the present day. This is the reason for the emergence of the big question, is it because *maqâşid al-syarî'ah* is already known, the law of the woman whose husband left her dead is no longer necessary to have three months and ten days? This is interesting, the study of wisdom in *syarî'ah* needs to be developed in the present to be in accordance with the progress of the age of science and technology.<sup>7</sup>

Muslim communities in general and the world of education in Indonesia, especially the discussion of Islamic law focused only on

7 Sabariyah, *Kerangka Berpikir Ali Ahmad al-Jurjawi dalam Menetapkan Hikmat al-Tasyrî' Pada Kitab Hikmat al-Tasyrî' wa Falsafatuhu* (Pekanbaru: UIN Suska Riau, 2011), p. 12.

the study of *fiqh* or Islamic law (*fiqh* oriented), about the discussion of *fiqh* materials, namely those relating to family law, *mu'âmalah* and *siyâsah* only. Family law issues trigger heated discussions that are permissible or not polygamous, the legal status of *sirri* mating and other discussions essentially questions and debates whether or not it is permissible. Regarding the *mu'âmalah* problem, the discussion is about the conventional economic system and *syarî'ah* or about the current sale, purchase, transaction, or trade. Whereas regarding the *siyâsah* the discussion that is always intense is that it may not participate in elections or abstentions, women may become presidents and others.<sup>8</sup>

From the background, the problem is formulated in the form of a question how is the wisdom of *syarî'ah ahwal al-syakhsiyyah* (family law) according to Imam Ali Ahmad al-Jurjawi in his book *Hikmat al-Tasyrî' wa Falsafatuhu*? To answer this, it is necessary to have a research method, so the research approach method uses a research library, using data sources from various literature that the author find. Thus, the data collection method used in this study is to use literature data in the form of primary and secondary sources and tertiary sources as supporters. As the primary data source is the *Hikmat al-Tasyrî' wa Falsafatuhu* written by Ali Ahmad al-Jurjawi. While the secondary data sources / comparators or amplifiers are books that discuss *maqâşid*, wisdom and philosophy of Islamic law. Data will be analyzed descriptively, the data and the arguments will be analyzed by the *ushûliyah* method in this case the measurement is

8 Sabariyah, *Kerangka Berpikir Ali Ahmad al-Jurjawi...*, p. 13.

the concept of *maqâşid al-syarî'ah*.

### Biography of Ali Ahmad al-Jurjawi

Ali Ahmad al-Jurjawi lived in the same century with Muhammad 'Abduh and Rasyid Ridha who were very popular at that time. This can also affect the attention of at least the figure of the al-Jurjawi.<sup>9</sup> Ali Ahmad al-Jurjawi was born in the last third of the 19th century in the city of Jarja, Sohag Province in the upper part of Egypt. His full name is Ali ibn Ahmad ibn Ali al-Jurjawi and better known by the name Ali Ahmad al-Jurjawi.<sup>10</sup> It was estimated that the last third of the 19th century meant between 1866 and 19.<sup>11</sup> In the span of approximately 34 years, he was born. However, from the analysis of the work produced with the possibility of his age that he was born at the beginning of the last third of the 19th century, namely 1866 to 1870.<sup>12</sup>

A book containing the history of Arabic poets in the 19th to 20th centuries, it was found that Ali Ahmad al-Jurjawi died in 1961.<sup>13</sup> He was thought to have been born in 1866 until 1870, and closed around the age of 91 and 95 years.<sup>14</sup> He died in the city of Jarja, his homeland.<sup>15</sup> Ali Ahmad al-Jurjawi was known as

one of the figures from the city of Jarja where he was born.<sup>16</sup> It is the habit as well as pride for Arabs to attribute their birthplaces at the end of their names, and they are even better known by the birthplace names.<sup>17</sup> Ali Ahmad al-Jurjawi is better known by the name of the region he was born namely the al-Jurjawi, the city of Jarja.<sup>18</sup>

Ali Ahmad al-Jurjawi lived in the late 19th century until the beginning of the 20th century AD. The social conditions at that time were the times of the revival of the ummah. He was estimated to live in 1866 until 1961.<sup>19</sup> In the history of the development of the Islamic ummah it is known that since the beginning of the 19th century was a period of revival of the Muslim ummah from chaos and the enactment of the door of *ijtihâd* was closed. This period is also called modern times or resurrection.<sup>20</sup> In this modern century, major figures emerged in the fields of *usul fiqh* and *fiqh*.<sup>21</sup>

Ali Ahmad al-Jurjawi lived his life in Egypt and had traveled throughout countries in Arabia, Europe and Japan. At first he taught himself by reading, memorizing the Qur'an and writing from books.<sup>22</sup> Furthermore, Ali Ahmad al-Jurjawi studied the scholars who

9 Sabariyah, *Kerangka Berpikir Ali Ahmad al-Jurjawi...*, p. 25.

10 Muhammad bin Rasyid al-maktum, *Mu'jam al-Batathain* (Abdul Aziz Foundation: 2010), p. 21.

11 Almuzakir. *Hikmah Muamalah Perspektif Ali Ahmad al-Jurjawi dalam Kitab Hikmat al-Tasyri' wa Falsafatuh. Tesis* (Riau: UIN Sultan Syarif Kasim Riau 2016-2017 M.

12 Sabariyah, Sabariyah, *Kerangka Berpikir Ali Ahmad al-Jurjawi...*, p. 26.

13 Muhammad bin Rasyid al-maktum, *Mu'jam Al-Batathin*, p. 21.

14 Al-Muzakir, *Hikmah Muamalah Perspektif Ali Ahmad al-Jurjawi...*, p. 37.

15 Al-Muzakir, *Hikmah Muamalah Perspektif Ali Ahmad al-Jurjawi...*, p. 37.

16 Al-Muzakir, *Hikmah Muamalah Perspektif Ali Ahmad al-Jurjawi...*, p. 38.

17 Imam Bukhari, diambil dari nama kampungnya.

18 Al-Muzakir, *Hikmah Muamalah Perspektif Ali Ahmad al-Jurjawi...*, p. 38.

19 Al-Muzakir, *Hikmah Muamalah Perspektif Ali Ahmad al-Jurjawi...*, p. 39.

20 Sabariyah, *Kerangka Berpikir Ali Ahmad al-Jurjawi...*, p. 27.

21 Abdullah Muhammad Syahatah, *Ulûm al-Din al-Islâm* (Cairo: al-Mishriyyah al-Ammat al-Kitab, 1976), p. 131; Sabariyah, *Kerangka Berpikir...*, p. 28.

22 Al-Muzakir, *Hikmah Muamalah Perspektif Ali Ahmad al-Jurjawi...*, p. 38.

were experts in their fields in the city of Jarja. In the literature there is no clear name for the teacher, only explained that he studied with the experts. In 1896 he went to Cairo to continue his education.<sup>23</sup> His last diploma was from the Faculty of Religion at the al-Azhar College in Egypt.<sup>24</sup>

After finishing his studies, Ali Ahmad al-Jurjawi worked for the government which determined to eliminate the failure of the Arab revolution from British pressure or colonialism. Then, he founded a newspaper called *al-Irshad* which was published at the beginning of the 20th century.<sup>25</sup> He was once a lawyer. In the field of education he had served as chairman of the al-Azhar assembly until he had his last breath. In 1906 he went to Japan to attend an interfaith conference in Tokyo, and for the first time Islamic preaching entered Tokyo in the era of modern times.<sup>26</sup>

At this time (starting in the 13th century H / 19 AD) emerged the tendency of various Islamic countries to study Islamic jurisprudence from all schools. In fact, some scholars of this time argue that all the *ijtihād* schools, such as Maliki, Hanafi, Syafi'i, Hanbali and others are one major school in *syarī'ah*. Furthermore, the ulama of this period conducted *tarjīh* to obtain an opinion which would be compiled

into legislation.<sup>27</sup> This form of study is an effort to free the Ummah from the fanatical attitude of the school to openness to study the whole school then conduct comparative studies to obtain opinions based on true and original arguments with the logic of right thinking and fair attitude in accordance with the *ijtihād* method.<sup>28</sup>

Ali Ahmad al-Jurjawi during his life gave birth to several works in the form of books and some were in the form of poetry or articles. Three articles (papers / maqalah) titled: 1). A poem to commemorate the seat of *Abbas Helmi II* on the throne of Egypt. 2). Articles and a poem that criticizes the government in the Khadio «Tawfiq» era. 3). Article from Al-Azhar flag Sheikh Ali Ahmad al-Jurjawi.<sup>29</sup> The researcher tried to find al-Jurjawi works from various sources, but only found three works of Ali Ahmad al-Jurjawi in the form of a book, namely:<sup>30</sup>

1. *Hikmat al-Tasyri' wa Falsafatuhu* (published in 1303 H / 1885 AD).<sup>31</sup> This book has three references, PDF printed (publisher Maktabah al-Tautsiq wa Dirasati fi Dar al-Fikri), *Kitab kuning*

23 Sabariyah, *Kerangka Berpikir Ali Ahmad al-Jurjawi*..., p. 27.

24 William Montgomery, *Items of Islamic History* (Jakarta: Srigunting, 2015), p. 152.

25 Sabariyah, *Kerangka Berpikir Ali Ahmad al-Jurjawi*..., p. 38. See also, *Al-Azhar Al-Sharif Ali Al-Jurjawi*. dalam. [https://ar.wikipedia.org/wiki/علي\\_أحمد\\_الجرجاوي](https://ar.wikipedia.org/wiki/علي_أحمد_الجرجاوي). Accessed 21 of Desember 2017

26 Sabariyah, *Kerangka Berpikir Ali Ahmad al-Jurjawi*..., p. 27. See *Al-Azhar Al-Sharif-Ali Al-Jurjawi* in. [https://ar.wikipedia.org/wiki/علي\\_أحمد\\_الجرجاوي](https://ar.wikipedia.org/wiki/علي_أحمد_الجرجاوي). Accessed 21 of Desember 2017.

27 Al-Muzakkir, *Hikmah Muamalah Perspektif Ali Ahmad al-Jurjawi*..., p. 38

28 Zulkayandri, *Fiqh Muqarran* (Pekanbaru, PPS UIN Suska Riau, 2015), p. 42.

29 Arabic Wikipedia in. [https://ar.wikipedia.org/wiki/علي\\_أحمد\\_الجرجاوي](https://ar.wikipedia.org/wiki/علي_أحمد_الجرجاوي).

30 Sabariyah, *Kerangka Berpikir Ali Ahmad al-Jurjawi*..., p. 32. See also Ali Ahmad al-Jurjawi, *Mulakhas Kitabina Wisdom al-Tasyri' wa Falsafatuhu* (Cairo Egypt: Maktabah al-Tijariyah Jamiat al-Azhar al-'Ilmiyah, 1354 H / 1937 M), p. 122 and closing

31 Aghnam Shofi, *Puasa Menurut Syekh Ali Ahmad al-Jurjawi dalam Kitab Hikmat al-Tasyri' wa Falsafatuhu (Studi Kajian Aksiologi)* (Semarang: Fakultas Ushuluddin IAIN Walisongo, 2014), p. 24.

(published by Jeddah al-Haramain Singapore), *Kitab kuning* (publisher of Maktabah al-Tautsiq wa al-Dirâsâti fi Dar al-Fikri). *Mukhtashar Kitab Hikmat al-Tasyrî' wa Falsafatuhu* (Summary of the book of Wisdom and Philosophy of Islamic Law), titled *Mulakhhkas Kitabina Hikmat al-Tasyrî' wa Falsafatuhu*, published Maktabah al-Tijariyah Jami'at al-Azhar 'Ilmiyyah, 1354 H / 1937 AD This book consists of 130 sheets and 129 pages, which are in the online website, but cannot be printed out.<sup>32</sup> Nevertheless the researchers tried to take a few excerpts from the book by photographing from laptop, namely the cover of the book's title, the first page of the *Bismillâhirrahmânirrahîm* and the *Muqaddimah*, the names of the Al-Jurjawi, the page listing the book and closing the book.

2. *Al-Rihlah al-Yabaniyah (Trip to Japan published in 1325 H / 1907)*.<sup>33</sup> This is the book that the researcher obtained from PDF online and printed (published by Jazirah Suriya al-Fajalat Egypt).
3. *Kitab Al Islami wa Musṭaru Sukuti* (Islami and Esther Scott or Islami and Scott), this book is the best book that contains the essence of who is actually Al-Jurjawi. The

essence of this book is “the essence of the true religion of Islam” according to Ali Ahmad al-Jurjawi.<sup>34</sup>

The three books above were found in the book *Mulakhhkas Kitabina Hikmat al-Tasyrî' wa Falsafatuhu* which is given its own theme, namely the names of the books written by al-Jurjawi. The systematics of the book *Mulakhhkas Kitabina Hikmat al-Tasyrî' wa Falsafatuhu* can researchers describe the systematics of the contents and their fragments. Table of Contents Summary of our book *Hikmat al-Tasyrî' wa Falsafatuhu* in there are two volumes the contents of the book which originated from 608 pages to 129 pages

Ali Ahmad al-Jurjawi was a modernist from Egypt, born of a modest family, but both of his parents were very concerned about their children's education problems, especially those related to religious education. With that background, al-Jurjawi was able to make good works. This did not escape the struggle of his parents to educate al-Jurjawi from elementary school to college at al-Azhar.<sup>35</sup>

Ali Ahmad al-Jurjawi lived in an era where at that time there was a shock especially in the territory of Egypt.<sup>36</sup> Egypt at that time was trying to break away from the grip of France which always disturbed its calm. This has an effect on the scientific problems he is practicing. In the 1920s, he experienced many difficulties in finding the ideal book, especially

32 Hand Out, *the Mulakhhkas Kitâbinâ Hikmat al-Tasyrî' wa Falsafatuhu* book can be accessed in wibesite.online with the address: <http://kadl.sa/item.aspx?Id=PW8UHBYSm9d1aWYx-nthLgoLED27no1D7WixNDiHHwo2wjtx1-wtPUNZtOJnQCgD>, and [.http://kadl.sa/pdfviewer.aspx?filename=pw8uhbydsm9d1awyxnthlgoled27no1d7wixndihhwo2wjtx1-wtpunztojnqcgd](http://kadl.sa/pdfviewer.aspx?filename=pw8uhbydsm9d1awyxnthlgoled27no1d7wixndihhwo2wjtx1-wtpunztojnqcgd). accessed.21 December2017.

33 AliAhmad al-Jurjawi, *Mulakhhkas Kitâbinâ Hikmat al-Tasyrî' wa Falsafatuhu*, (Egypt: al-Azhar, 1354 H / 1937 AD), p. 130.

34 Ali Ahmad al-Jurjawi, *Mulakhhkas*, p. 122 and closing.

35 Wiliam Montgomery Watt, *Butir-Butir Hikmah Sejarah Islam* (Srigunting: Jakarta, 2015), p. 3; Anoname, “Biografi Singkat al-Jurjawi”, <http://www.referensimakalah.com/2013/06/biografi-singkat-al-jurjawi.html>. Accessed on 12 of February 2017.

36 Wiliam Montgomery Watt, *Butir-Butir Hikmah Sejarah Islam...*, p. 153.

regarding legal issues and wisdom or secrets that exist in the teachings of Islam.<sup>37</sup>

Since that time, al-Jurjawi began to gather his thoughts, although it requires *ijtihad* which is in accordance with *Maqāṣid* because there are multiple interpretations of the meaning caused by differences in determining the *illat* who points to his wisdom.<sup>38</sup> After a long period of effort, he wrote a book entitled *Hikmat al-Tasyrī' wa Falsafatuhu* which was the sole work of al-Jurjawi in two volumes, written in the 1930s.<sup>39</sup> This book explains these real lessons in addition to the main points of virtue.<sup>40</sup>

The main content of the book is about the translation of philosophy and wisdom at each *taklīf* which is imposed on humans. This paper is not a final science, but there are still many things that need to be developed. However, the most important thing was that he was one of the great ulama of Al-Azhar who had been able to present to his readers how much the *shari'a* was revealed with a great amount of wisdom.<sup>41</sup>

Ali Ahmad al-Jurjawi was a recognized poet. His expertise in composing and as-

sembling beautiful words is also seen in his writings on *Hikmat al-Tasyrī'*. This is acknowledged by some Egyptian scholars or dignitaries, including:

1. Muhammad Bakhit is one of the former Mufti of Egypt.<sup>42</sup> In the book *Hikmat al-Tasyrī' wa Falsafatuhu* which was published in 1994 AD / 1414 H, he gave a speech and his response to this book. He said that this book contains the beauties of the Islamic law. With language skills, Ali Ahmad al-Jurjawi wrote this book in a language that was easily understood by beginners (people who were just starting to learn Islamic law). This book can also be used as a guide for people who have often learned it because of its good structure and deep meaning. His wording is very organized and amazing. The composer had installed *lafadz* pearls on gold paper with silver drops. Then he brought back diamonds of gems in times like today, so this good book was presented to the rulers. At the end of his remarks, Muhammad Bakhit said that it is fortunate that people who want to draw fresh water and are overwhelmed by a lot of wisdom by reading this book, and pray that more scholars will be inspired and present other great works to uncover the perfection of Islamic law.<sup>43</sup>
2. Abdurrahman Qara'ah is a mufti in Egypt. In his introduction he both argued that the book *Hikmat al-Tasyrī' wa Falsafatuhu* was a book worthy to read and study its contents, because they had

37 Anoname, "Biografi Singkat al-Jurjawi", <http://www.referensimakalah.com/2013/06/biografi-singkat-al-jurjawi.html>. Accessed on 12 of February 2017.

38 Ali Ahmad al-Jurjawi, *Hikmat al-Tasyrī' wa Falsafatuhu*, trans. Hadi Mulyo and Shahabus-surur (Semarang: CV. As-Syifa, 2012), vol. II, p. 8.

39 Ali Ahmad al-Jurjawi, *Hikmat Al-Tasyrī'*, p. 8; see also Aghnam Shofi, *Puasa Menurut Syekh Ali Ahmad al-Jurjawi...*, p. 25.

40 Ali Ahmad al-Jurjawi, *Hikmat al-Tasyrī' wa Falsafatuhu*, terj Hadi Mulyo & Shobahussurur, (Semarang: Asyifa, 2012), p. xx

41 Anoname, "Biografi Singkat al-Jurjawi", <http://www.referensimakalah.com/2013/06/biografi-singkat-al-jurjawi.html>. Accessed on 12 of February 2017; Ali Ahmad al-Jurjawi, *Hikmat Al-Tasyrī'*, p. 2.

42 Al-Muzakkir, *Hikmah Muamalah Perspektif Ali Ahmad al-Jurjawi...*, p. 43.

43 Ali Ahmad al-Jurjawi, *Hikmat al-Tasyrī'*, p. 308.

studied the book and they both found that the book was a collection of lapazd-lapazd (words) which contained meaning deep (philosophical meaning), and no doubt the truth.<sup>44</sup>

3. Muhammad Abdul Fadl al-Jaizawi was one of the professors at the Al-Azhar University in Egypt and at the same time served as chairman of the High Representative Council of the Egyptian Religious Institutions. He also argued that it was almost the same as the two figures above.<sup>45</sup>

Of the three opinions of the cleric above, it appears that Ali Ahmad al-Jurjawi was a recognized fuqaha. His ability is to find and compile words that are easily understood against the background by his expertise as a poet.<sup>46</sup> In the history of the life of the Prophet peace be upon him and his companions who were well acquainted with the shari'ah it could be learned that they started from being a writer because literature is the essence of language, the crown of speech, and the description of adabiyah gharizah intelligence. The Prophet peace be upon him likes literature (syi'r) because the Qur'an is a source of beauty and subtlety and the depth of the meaning of the word. Likewise with the companions, such as Umar bin Khathab entered Islam after hearing the recitation of the Qur'an the urate of Allah even though Umar and generally Arab Jahiliyah were known as poets.<sup>47</sup>

Generally, the Imams before becoming Mu-fasir, Ulama of Ushul, Fuqaha, Philosopher and Sufism must first master the Language Science which is one of the scientific requirements to read the text and verse context (*qauliyah* and *kauniyah*) to seek and explore the wisdom behind *qudrat* and *iradat* Allah peace be upon him which is stated in the Qur'an. Likewise with Ali Ahmad al-Jurjawi, his ability as a poet led him to a deep understanding of the wisdom behind the Islamic law which he poured in the book *Hikmat al-Tasyri' wa Falsafatuhu*.<sup>48</sup>

The methodology of al-Jurjawi's thinking in understanding the Wisdom of *al-Tasyri'* is very relevant to the current conditions in which humans thirst with an explanation of Shari'ah that is deep and can motivate people to understand and practice all the commands that are ordered and keep away from all prohibited acts. With one final goal, it is able to make people need the Shari'ah not because of fear and compulsion.<sup>49</sup> The methodology of Al-Jurjawi's thinking in understanding Hikmat al-Tasyri' juga is also very relevant to be applied in the world of education, especially in the field of Islamic Religion studies which have been very focused on Fiqh and far from providing an explanation of why the laws in fiqh are observed. It is hoped that by including the explanation of *Hikmat al-Tasyri'* offered by al-Jurjawi giving understanding to students of the majesty of Islamic teachings will shape the personality of the noble sons and daughters of the nation.<sup>50</sup>

44 Al-Muzakkir, *Hikmah Muamalah Perspektif Ali Ahmad al-Jurjawi...*, p. 307.

45 Al-Muzakkir, *Hikmah Muamalah Perspektif Ali Ahmad al-Jurjawi...*, p. 42.

46 Al-Muzakkir, *Hikmah Muamalah Perspektif Ali Ahmad al-Jurjawi...*, p. 41.

47 Sabariyah, *Kerangka Berpikir Ali Ahmad al-Jurjawi...*, p. 31.

Through his *Hikmat al-Tasyri' wa Falsa-*

48 Sabariyah, *Kerangka Berpikir Ali Ahmad al-Jurjawi...*, p. 31-32.

49 Sabariyah, *Kerangka Berpikir Ali Ahmad al-Jurjawi...*, p. 145.

50 Sabariyah, *Kerangka Berpikir Ali Ahmad al-Jurjawi...*, p. 145.



*fatuhu*, he is remembered as one of the great scholars who inspired to find the beauty of the teachings of Islam. Especially in Indonesia, Ali Ahmad al-Jurjawi's work has been translated by several different printing presses.<sup>51</sup> The influence of his thoughts in the present is as a layer and initiator in a systematic way of wisdom / maqashid throughout worship, both orders and prohibitions in Islamic Shari'a, so in Indonesia the translation of the book is made with various titles.<sup>52</sup>

### Wisdom of Syarî'ah Al-Ahwal Al-Syakhsyiyah

*Mu'âmalah* in a broad sense, broadly consists of two major parts, namely al-Qanûn al-Khass or civil law, including commercial law, marriage law and inheritance law. Whereas al-Qanûn al-mmAmm or public law, which includes criminal law, state law and the law of war and peace. Wisdom of *ahwal al-Syakhssi-yah* in the perspective of Ali Ahmad al-Jurjawi in his book volume two. In this second volume, as the author explains in its entirety, there are 55 topics of Marriage (marriage, thalak, living and divorce).<sup>53</sup> The wisdom of the *syarî'ah ahwal al-Syakhssi-yah* according to Ali Ahmad al-Jurjawi in the book *Hikmat al-Tasyrî' wa Falsafatuhu* is:

#### Wisdom of Marriage

The wisdom of marriage according to Ali Ahmad al-Jurjawi is between:<sup>54</sup>

- 51 Al-Muzakkir, *Hikmah Muamalah Perspektif Ali Ahmad al-Jurjawi*..., p. 46.
- 52 Al-Muzakkir, *Hikmah Muamalah Perspektif Ali Ahmad al-Jurjawi*..., p. 46-47.
- 53 Please refer back to chapter II of this author's research on page 59.
- 54 Ali Ahmad al-Jurjawi, *Hikmat al-Tasyrî' wa Falsafatuhu* (Bairut: Dâr al-Fikr, 1994 M / 1414H), p. 6-7. See also Ali Ahmad al-Jurjawi, *Hikmat al-Tasyrî' wa Falsafatuhu*, translated by

1. With marriage there will be many descendants
2. Human living conditions will not be peaceful unless the household situation is regular.
3. Men and women are two functioning allies who are able to prosper their respective worlds with their distinctive character of doing various kinds of work.
4. In accordance with his character, humans tend to love loved ones. The existence of a wife will be able to eliminate sadness and fear. The wife functions as a friend and helper in managing life. As in the word of Allah in *al-A'râf* verse 189.<sup>55</sup>
5. Humans are created by having a sense of *ghirah* (jealousy) to maintain their honor and glory. Marriage will keep a lustful view of what is not lawful for him.
6. Marriage will nurture offspring and guard it. In it there are many benefits, including maintaining inheritance rights.<sup>56</sup>
7. Doing well is much better than doing a little good. Marriage in general will produce many offspring.
8. If the dead man is cut off, all his deeds will bring mercy and reward to him. But if they still leave their children and wife, they will pray with goodness until the charity is not interrupted and the reward is not rejected.<sup>57</sup>

Nahbani Idris, *Indahnya Syar'at Islam* (Jakarta: Pustaka al-Kausar, 2013), p. 218-220.

- 55 Ministry of Religion of the Republic of Indonesia, *the Qur'an*, p. 253.
- 56 Ali Ahmad al-jurjawi, *Hikmat al-Tasyrî' wa Falsafatuhu*..., p. 256-258.
- 57 Abdul Rahman Ghazali, *Fiqh Munakahat* (Jakarta: Kencana, 2010), p. 21 and 65-68. See also M. Sayyid Ahmad al-Musayyar, *Fiqih*

As for the wisdom of marriage according to Ahmad Rafi Baihaqi in his book *Building a Household Heaven*, namely:

1. Able to maintain human survival by breeding.
2. Able to keep a husband and wife plunged into a devious act and able to curb lust and hold back the view of something that is forbidden.
3. Able to calm and reassure the soul with a way to sit and chat with his girlfriend (his wife).
4. Able to make women carry out their duties in accordance with the nature of femininity created.<sup>58</sup>

Sheikh Shalih Fauzan Al-Fauzan revealed that there were many great benefits that could be achieved from a marriage, among others.<sup>59</sup>

1. Keeping human offspring, increasing the number of Muslims and thrilling the infidels with a generation that fights on the path of Allah and defends his religion.

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*Cinta Kasih Rahasia Kebahagiaan Rumah Tangga* (Surabaya: Erlangga, 2014), p. 2; Imam Abi Husain Muslim bin al-Hajj al-Qusyairi an-Naisaburi, *Shahih Muslim* (Beirut: Dâral-Kutub al-‘Ilmiyyah, t.th), p. 593; Muhammad Amin Summa, *Hukum Keluarga Islam di Dunia Islam* (Jakarta: PT.Raja Grafindo Persada, 2014), p. 91-93; Abdul Aziz Muhammad Azzam dan Abdul Wahhab Sayyed Hawwas, *Fiqh Munakahat (Khitbah, Nikah, dan Talak)* (Jakarta: Amzah, 2009), p. 45; Zakiah Daradjat, *Ilmu Fiqh Jilid II* (Jakarta: Dana Bhakti Wakaf, 2015), p. 47; M. Bukhori, *Hubungan Seks Menurut Islam*, (Jakarta: Bumi Aksara, 2014), p. 7-10.

58 Ahmad Rafi Baihaqi, *Membangun Syurga Rumah Tangga* (Surabaya: Gita Media Press, 2016), p. 10-12.

59 Salih Fauzan bin Fauzan, “Bekal-Bekal Pernikahan Menurut Sunnah Nabî”, <http://dear.to/abusalma>, p. 3 accessed 11/10/2016

2. Maintaining honor and genitals from committing adultery which is forbidden that damages society
3. The implementation of the leadership of the husband over the wife in providing care and care for him.
4. Keeping the community from cruel morality (zina, pent) which destroys morals and removes honor.
5. Maintaining the relationship and kinship ties between one another and the formation of a noble family full of love, strong bonds and help in truth.
6. Raising humanity from animal life becomes the life of a noble human being.

### Wisdom of Polygamy

According to Ali Ahmad al-Jurjawi, the ability of polygamy which has been determined by the Qur’an has some lessons that can be taken, including:<sup>60</sup>

1. To give an opportunity for men to get offspring from the second wife, if the first wife is barren, because the purpose of marriage is basically to reproduce the offspring, as indicated by the Qur’an, *an-Nisa’* verse 1.
2. To prevent men from committing adultery, if the wife cannot be cured because of a prolonged illness.
3. To entertain women whose husbands have

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60 Ali Ahmad al-Jurjawi, *Hikmat al-Tasyri’ wa Falsafatuhu*, p. 10-11, translated by Nahbani Idris, *Indahnya Syari’at Islam*, p. 220-221; Saiful Mubarak, *Poligami yang Didambakan Wanita* (Bandung: Syaamil Cipta Media, 2013), p. 42; Sayyid Sabiq, *Fiqh As-Sunnah*, Vol. 6 (Beirut: Dar Al-Fikr, t.th.), p. 264-275; Ibrahim Al-Bajuri, *Hasyiyah Al-Bajuri li Ibn Qasim*, Vol. 2 (Semarang: Toha Putra, t.th.), p. 93.

left on the battlefield, so as not to feel lonely.<sup>61</sup>

4. If the wife is old, and reaches the age of *ya'isah* (no menstruation) anymore, then the husband wants to have children, and he is able to provide more to a wife, also able to guarantee the needs of his children, including their education.<sup>62</sup>

### Fair Wisdom among Wives

Ali Ahmad al-Jurjawi in his very famous book *Hikmat al-Tasyrī' wa Falsafatuhu*. The quote from Muhammad Abduh's fatwa said that the Shari'a of Muhammad peace be upon him. It does allow men to marry four women at once, if the man knows his ability to do justice. If you are unable to do justice, you cannot allow more than one wife. In this case Abduh quotes "*fa'in khiftum alla ta'dilu fawâhidh*". According to Abduh, if a man is unable to give his wife's rights, the structure of the household is broken and it disrupts the family's livelihood. In fact, the main pillar in managing household life is the existence of unity and mutual love among family members.

From the al-Jurjawi quotation on the Fatwa of Muhammad Abduh, it emphasizes qualitative and essential justice, such as love which cannot be measured by numbers. This is in accordance with the meaning contained in the term used by the Qur'an, namely "is", which does have a more qualitative meaning. As for justice, it is quantitative, which is actually more appropriate for the word *qisṭhun*. This

61 Mahjuddin, *Masailul Fiqhiyah*, (Jakarta: Kalam Mulia, 2013), p. 61-62.

62 Ahmad Mustafa al-Maragi, *Tafsir al-Maragi*, Vol. 4, Trans. Bahrin Abu Bakar and Hery Noer Aly, *Tafsir al-Maragi* (Semarang: Toha Putra, 2013), p. 327: Abbas Mahmud al-Aqqad, *Haqa'iq al-Islam wa Abathilu Khushumih* (Cairo: Dâr al-Qalâm, 1957), p. 181-182.

quantitative justice is susceptible because it is easily changed, for example about the distribution of sustenance equally between wives who are married, the distribution of rations (turn) and so on.<sup>63</sup>

### Wisdom for Polygamy to Four

Al-Jurjawi explained that there are three wisdoms of polygamy that can only be up to four, namely:

1. The ability of polygamy which is limited to four wives shows that humans consist of four mixtures in their bodies.
2. The four limits also correspond to the four types of male livelihoods, namely government, trade, agriculture and industry.
3. This three-day period was given by Allah in many of his laws, such as the time limit for allowing *khûf* to be washed for 3 days, 3 times for divorce, setting the hajj pilgrims in Mecca for 3 days, 3 days for visiting.
4. For a husband who has four wives means he has three days free time and this is enough time to devote love.<sup>64</sup>

On the other hand, if more than four will definitely do the *zhalim*, then the wisdom of the prohibition of polygamy more than four of these should try to set a regional verse on polygamy itself, if not up to nine people, while opinions like this one are odd / despicable. Then there are two regional offices:

1. Demonstrating choice, namely marriage between two, three or four. As if Allah said two or three or four. Using the letter *wau* and in the position *au* or is allowed in

63 Al-Muzakkir, *Hikmah Muamalah Perspektif Ali Ahmad al-Jurjawi...*, p. 57.

64 Ali Ahmad al-Jurjawi, *Hikmat al-Tasyrī'*, p.15.

Arabic.

2. The mention of numbers is a form of coverage of other numbers in it. The three *tsalâsah* words, covered in two, on the word *ruba'* four contained in them three, such as the word of Allah "say it is fitting that you deny to the god who created the earth in two times (*fuşşilat: 9*) then he said he created the mountains which is firm on it. Then he blessed and he determined the food (for the occupants) in four periods (*fuşşilat: 9*) the first two days into the four days mentioned here.<sup>65</sup>

### The Wisdom of Marrying Servants

According to Ali Ahmad al-Jurjawi that most people living in this world are such a poor comparison. While marriage is a great shari'ah and the benefit of the ummah. So Allah allowed to marry slave women with wisdom to avoid adultery, the weight of dowry, the cost of marriage and the mercy of Allah who is just and wise.<sup>66</sup>

### The Wisdom of Marrying the People of the Book

According to Ali Ahmad Al-Jurjawi the wisdom of being permitted to marry a book expert is:<sup>67</sup>

1. Regarding the wisdom of allowing marriage between a Muslim man and a woman of the People of the Book, because Christianity and Judaism are both revelations. So if a woman of the book of marriage marries with Muslim men who obey her teachings, it can be expected

for her own awareness and willingness to enter Islam.

2. Another lesson when Muslim men marry a woman of the People of the Book (*Ahl al-Kitab*) is that affection between them can bring the wife to be submissive and obedient when her husband invites her to embrace religion and take the path of her husband's life.<sup>68</sup>
3. The wisdom of marrying an *Ahl al-Kitab* woman is that if an *Ahl al-Kitab* woman lives with her Muslim husband, then she will find Islamic justice that will always fill her days and illuminate her two eyelids. In this situation, Islamic light will penetrate into his heart. Next he will embrace the religion of Islam which is hanif (clean of polytheism and inclined to always follow God's commands).<sup>69</sup>
4. The wisdom of prohibiting marriage between a Muslim woman and a non-Muslim man, because it is feared that Islamic women will lose their religious freedom and practice their religion so that they will be dragged into error. The Word of Allah in al-Baqarah verse 120. The word reminds us, should always be careful and alert to the deceit of the unbelievers including Jews and Christians, who always try to eliminate Islam and its people in various ways. Therefore, it is appropriate and wise that Islam basically prohibits marriage between Muslims and non-Islamic ones, except Muslim men whose quality of faith and Islam is good, are permitted to marry women of

65 Ali Ahmad al-Jurjawi, *Hikmat al-Tasyri'*, p.27-28.

66 Ali Ahmad al-Jurjawi, *Hikmat al-Tasyri'*, p. 29.

67 Ali Ahmad al-Jurjawi, *Hikmat al-Tasyri'*, p.34.

68 Ali Ahmad al-Jurjawi, *Wisdom Behind Islamic Law*, (South Jakarta: Mustaqiim, 2013), p. 50.

69 Ali Ahmad al-Jurjawi, *Wisdom Behind*, p. 52.

the people of the book. However, at the present time there are still female of the people of the book, because the practice of Christian and Jewish worship at this time has deviated from the teachings of pure monotheism. That is why some scholars forbid marriage between Muslim men and any religion. Therefore, it is reasonable both religiously and juridically, that KHI.<sup>70</sup>

### **The Wisdom of the prohibition of Marrying a Mushrik and Magi Woman**

According to Ali Ahmad al-Jurjawi the wisdom is that a Muslim is forbidden from marrying polytheists and Majusi.<sup>71</sup> Allah allows Muslim men to marry a female among the people of the book but prohibits marrying polytheists or adherents of religious religions. Because female scribes were closer to Islam, while polytheists or majors did not believe in a divine book at all and there were no teachings of divine religion. Hostilities are both very strong against the Muslims, which is difficult to end as it is difficult for them to adhere to Islam, except after going through a fairly heavy road.

In the book of al-Bada'i mentioned that a Muslim man may not marry a polytheist, based on the word of Allah, "And do not marry polytheists until they believe". But you may marry a woman expert in the book, according to the word of Allah, "Women who keep honor among those given the book before you". (*An-Nisâ*: 5).

The difference is, basically Muslim men

are prohibited from marrying infidel women, because differences in beliefs make them unable to live side by side in harmony and peace. Even though living in harmony and peace is the main thing in building a family, then it is permissible to marry a non-Muslim woman whose status is a religious (not polytheist) because there is hope that she will enter Islam, because she has believed in the messengers' books in general. Then his faith was broken because he got an incorrect statement. If they get the right information, they will not be like that. This is the condition that appears from the woman who knows it based on the correct proposition, not based on lust.

Their husbands will take them to Islam and give them information correctly. So it is permissible to marry a female expert on the book because it will have a good effect, that is, she will enter Islam. This is different from polytheistic women. She will remain in polytheism because of joining his parents, not on the basis of arguments brought by the messenger who must be followed

What appears is that the polytheist woman does not see the argument. So that her *kufri* continues along with the contradiction between her beliefs and the beliefs of her future husband which makes her uncomfortable and harmonious in the household. So marrying is prohibited. It has been reported that Muhammad peace be upon him advised: "Treat the wise men like non-Muslim scribes, but do not marry the woman and do not eat her sacrifice."

The wisdom of the prohibition of marriage between Muslims (male/female) and those who are not Muslims (male/female, besides *Ahl al-Kitâb*), is that between Muslims and unbelievers other than Christians and Jews there is a way of life and philosophy very dif-

70 Nawawi, *Makalah Perkawinan Campuran Problematika dan Solusinyya* (Wdiyaiswara Madya Religious Training Center Palembang), p. 13.

71 Ali Ahmad al-Jurjawi, *Hikmat al-Tasyrî'*, p. 25-26.

ferent life. Because the Muslims fully believe in Allah as the creator of the universe, believe in prophets, holy books, angels, and also believe in the Day of Judgment; whereas polytheists / infidels generally do not believe in all that. Their beliefs are full of philosophy and irrationality. In fact, they always invite people who have religion / faith to leave their religion and then are invited to follow their “beliefs”.<sup>72</sup>

### The wisdom of the Polriandri prohibiotion for Women

According to Ali Ahmad al-Jurjawi the wisdom of prohibiting polyandry for women is to maintain the purity of heredity and the legal certainty of a child. Children who, since being in the womb have rights, must receive legal protection and certainty.<sup>73</sup>

### The Wisdom of Divorce

According to Ali Ahmad al-Jurjawi the divorce has something to do with the relationship between cause and effect. Hence, it is not possible to do divorce without any, at least two factors preceding it. First, the presence of infertility factors is related to the instinct to have children. So, the result of a barren partner will lead to disharmony in a household which in turn will divorce. The second reason is that there is a dispute between husband and wife which causes them to hate each other.<sup>74</sup>

### Divorce During Menstruation

According to Ali Ahmad al-Jurjawi the divorce during menstruation is pohibitted by

72 Ali Ahmad al-Jurjawi, *Hikmat al-Tasyri' wa Falsafatuhu* (Cairo: Al-Matba'ah al-Yusufiyah, 1931), p. 25-26.

73 Ali Ahmad al-Jurjawi, *Hikmat al-Tasyri'*, p. 37.

74 Ali Ahmad al-Jurjawi, *Hikmah Dibalik Hukum Islam*, Trans. Erta Mahyudin Firdaus (Jakarta: Mustaqim, 2013), p.117.

two reasons:<sup>75</sup>

1. To prevent the danger fot the husband or the wife. For the wife the period of prayer is not too long. While for the men is to prevent the 'iddah of her ex-wife getting longer.
2. If the husband raises three wives at once, then it can be regretful, as the word of Allaah surah at-Thalaq verse 1.

### Wives Who Have Been Divorced Three Times

According to Ali Ahmad al-Jurjawi, it is prohibited to reconcile with the wife who has been divorced by her husband before *muhallil* (one who marries her and divorces her) by two reasons:<sup>76</sup>

1. That is a stern warning for a husband in order not to divorce his wife with triple divorce or divorce three times. If that happens he then still wants to reconcile, the consequences are, his wife must first marry a man others and must be associated. It means that the first husband had to be patient to wait for a divorce with his second husband. He also had to give up his wife to be associated with another man who became his second husband. Hence, sanctions like this can deter the husband from divorcing his wife anymore.
2. That is as a mercy because the Islamic law is very concerned about children's rights in terms of getting attention from their parents, especially their father on the one hand and it provides an opportunity to reconcile with very heavy conditions on

75 Ali Ahmad al-Jurjawi, *Hikmat al-Tasyri'*, p.60-63.

76 Ali Ahmad al-Jurjawi, *Hikmat al-Tasyri'*, p. 40.

the other hand, the *muhallil* is seen as the efforts to restore the child to his biological father.<sup>77</sup>

### The Wisdom of *Khulu'*

According to Ali Ahmad al-Jurjawi, *khulu'*<sup>78</sup> itself is actually hated by a noble the God as well as divorce. The reason also rejects it. Only the God Himself rejects the danger when one is unable to uphold the laws of the God. It means the wisdom of *khulu'* is to avoid danger, that is when there is a big fight that causes turmoil in the relationship of husband and wife until both of them cannot be reunited in the household ties, hence *khulu'* is permitted.<sup>79</sup>

### The wisdom of '*Iddah*

According to Ali Ahmad al-Jurjawi the wisdom of '*iddah* is that it is necessary to understand that Allah does not leave orders for us or the rules of law enforcement except in which there is a high wisdom to help people in the world and the hereafter. The wisdom of '*iddah* includes:

1. Knowing the cleanliness of the uterus and its purity so that the seeds of two men are not gathered in one uterus which causes mixed offspring.
2. Showing respect for the contract and glorifying it.
3. Extend the time to destination 'for husbands who drop divorce of *raj'i*.
4. Respect the rights of the deceased husband

by showing sadness over his departure.

5. Prudence (*ihtiyat*) on the rights of the second husband.
6. Provide opportunities for both of them together to start family life with a new contract if in the form of *ba'in*'s divorce.
7. *Ihdad* for his wife for the death of her husband.
8. Glorifying the independent wife from the wife of the righteous servant.
9. Protection against sexually transmitted diseases.

Along with the development of science and technology especially in the field of medicine, to find out whether a woman is pregnant or not, no need to wait one menstruation regulation, but in this case there is wisdom that among the purposes of the stipulation of '*iddah* is to give time for both parties thinking and introspection of theirselves. So that they can fix and re-create a happy home life. In addition, with the stipulation of '*iddah*, the marriage bond is a solid and sacred bond (*mitsaqan galizhan*) that is not easily broken just by the fall of divorce.<sup>80</sup>

### The Wisdom of *Zihar*

*Zihar* is prohibited and sinful. This behavior must be shunned by the husband. For those who have already done so, they are obliged to pay expiation or ransom. There are three kinds of *kafarat* of *zihar*, namely:<sup>81</sup>

1. Freeing slaves if they exist and are able.
2. Fasting two months in a row without breaking even one day if you can.

77 Dahlan Tamrin, *Filsafat Hukum Islam* (Malang: UIN Malang Press, 2017), p. 171-173.

78 Ali Ahmad al-Jurjawi, *Hikmat al-Tasyri' wa Falsafatuhu*, Trans. Hadi Mulyo and Sabahus Surur, p. 320.

79 Ali Ahmad al-Jurjawi, *Indahnya Syari'at Islam* (Jakarta; Gema Insani, 2016), p. 379.

80 Ali Ahmad al-Jurjawi, *Hikmat al-Tasyri' wa Falsafatuhu* (Bairut: Dar al-Fikr, t.th), p. 84-85.

81 Ali Ahmad al-Jurjawi, *Hikmat al-Tasyri'*, p. 92-94.

3. Feed sixty poor people.

The lesson is to punish yourself and pay kifarāt. Penalties are two, which are imposed on his property (liberating and feeding) and his body (fasting 60 days). If the husband does not pay *zihar* then the wife may sue the court and then the law forces her to fulfill women's rights as a lesson.

Stop

### Lessons on Illa's Limits

Illā 'restrictions, according to Ali Ahmad al-Jurjawi, have a lesson including the following:<sup>82</sup>

1. A period of four months is enough for the soul to return to have a great desire to have a husband and wife relationship. Likewise the wife.
2. 2). Usually four months of purity (iffah) can be maintained, if more than four months are not awake.

### The Wisdom of Li'an

Wisdom of the prohibition of li'an according to Ali Ahmad al-Jurjawi is:<sup>83</sup>

1. Not trusting a shaman or fortune teller is part of Islamic Shari'a.
2. Visiting a shaman is a big danger because what he says is not necessarily true. What he said could violate the fact that caused people to eat jackfruit he got the sap.

If the husband or the wife say li'an then both are divorced and contain wisdom:<sup>84</sup>

1. Home life will not work well unless husband and wife love each other in harmony and mutual trust.
2. Prevent them from being careful and not

doing bad deeds.

3. Protecting the honor and dignity of both.

### The Wisdom to Support the Family

The lesson of supporting the family according to Ali Ahmad al-Jurjawi is:<sup>85</sup>

1. Friendship and strength between them.
2. Relationship as a child contains wisdom to increase affection among those who are forbidden from the law.
3. To support both parents is to do a thing as a way to get heaven.

### The Wisdom of Parenting

The wisdom of the right to nurture children according to Ali Ahmad al-Jurjawi is seen in two aspects:<sup>86</sup>

1. The task of men in livelihood and community affairs is different from women's duties. A mother's attention to her child is more appropriate and suitable because it nurtures her mother's privileged child.
2. A mother has a greater love for her child than a father. And the outpouring of heart poured more for his son.

In my opinion, the determination of the law is not right above, father and mother should share in the difficulties and happiness of children. And making children useful for the nation and the nation without abandoning and troubling without being given the right of Hadhanah is caused only by the importance of personal interests.

82 Ali Ahmad al-Jurjawi, *Hikmat al-Tasyri'*, p. 95.

83 Ali Ahmad al-Jurjawi, *Hikmat al-Tasyri'*, p. 96.

84 Ali Ahmad al-Jurjawi, *Hikmat al-Tasyri'*, p. 97.

85 Ali Ahmad al-Jurjawi, *Hikmat al-Tasyri'*, p. 100.

86 Ali Ahmad al-Jurjawi, *Hikmat al-Tasyri'*, p. 107.



### The Wisdom for Breastfeeding Children

The wisdom of the right to breastfeed children according to Ali Ahmad al-Jurjawi is:<sup>87</sup>

1. For children, Asi is the best food for children.
2. More youthful and maintain a new pregnancy.
3. A two-year breastfeeding period is a natural family planning theory.
4. Carry out duties as a wife and prevent fighting in the household (husband and wife).

### The Wisdom of Being Allowed to Get Married for More Than Four Times Specifically for the Prophet Peace Be Upon Him

According to Ali Ahmad al-Jurjawi Director of the Scientific Research Association of Al-Azhar University in Egypt in his book, Beautiful of Islamic Law, Revealing Secrets and Lessons Behind Orders and prohibitions in the Qur'an and Sunnah (translated book: *Hikmat al-Tasyrī' wa Falsafatuh*) mentions that there is a very great wisdom and can only be captured by those who have intelligent reason, besides showing how wise the Owner of the Shari'ah is. The following are the great lessons and secrets behind why Raslullah sallâhu alaihi wassalam may marry more than four Wives, which I share from his book, as follows: <sup>88</sup>

1. To show that the Prophet peace be upon him is the special man. He is the leader of all beings. From this side, he was superior to all individuals of all of his people.

<sup>87</sup> Ali Ahmad al-Jurjawi, *Hikmat al-Tasyrī'*, p. 113-115.

<sup>88</sup> Ali Ahmad al-Jurjawi, *Hikmat al-Tasyrī'*, p. 113-115.

2. In order to the women who were married to the Prophet peace be upon him studied the teaching of Islam with him and then spread it to other female friends. So that Muslim women can easily take the religious knowledge through the wives of the Prophet peace be upon him. This is understandable because indeed Islam is specifically for men and there is a special one for women, besides there are those that are intended for men and women. It is reported that Asma' ibn Zaid asked to the Prophet peace be upon him about how to bathe from menstruation. After the Prophet was pleased to explain, he was embarrassed to ask further so that he understood better. So he asked Aisha and Aisha explained it.

3. An effective way of uniting hearts and knitting love between tribes. So that the heavy and shocking preaching of the Prophet peace be upon him became light and easier to spread, he married more than four women and most of them were from the most respected tribes, the Quraysh tribe. The marriage of the Prophet peace be upon him with Juwairiyah is an example. When he got the news that Banu Mustaliq was planning to fight the Prophet peace be upon him, he went to fight them until they lost. After the Juwairiyah was married to the Prophet peace be upon him, the Muslims did not release all captives from Banu Mustaliq, because they had become extended family of the Prophet peace be upon him. Finally the captives of Bani Musthaliq were released. After being released, Bani Mustaliq then embraced Islam because he saw that the Muslims had done well to them.<sup>89</sup>

<sup>89</sup> Ali Ahmad al-Jurjawi, *Hikmat al-Tasyrī'*, p.

### **The Prohibition of Marrying the Wives of Rasul Peace Be Upon Him**

According to Ali Ahmad al-Jurjawi, the prohibition of marrying the wives of Rasul sallâhu alaihi wassalam was:<sup>90</sup>

1. The Prophet is the noblest person and leader of all humans.
2. To safeguard the position of the wives of the Prophet peace be upon him because the wife of the Prophet peace be upon him was the Mother of Believers.
3. So that the belief in the wife of the Prophet peace be upon him remained unchanged because we took knowledge and religion from the wife of the Prophet peace be upon him.
4. To avoid slander.
5. If you marry the Ummah Believers, you can ambition to be a Prophet or Caliph.

### **The Wisdom of Women who are Haram to be married**

According to Ali Ahmad al-Jurjawi there are 14 women who cannot be married, namely:<sup>91</sup>

1. 7 people because of nasab relationship.
2. 2 people because of the relationship.
3. 4 people because of mushaharrah (b order).
4. 1 person because of a relationship with his wife.

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113.

90 Ali Ahmad al-Jurjawi, *Hikmat al-Tasyri'*, p. 119.

91 Ali Ahmad al-Jurjawi, *Philosophy and Wisdom of Islamic Law* (Semarang: Ash-Syifa', 2012), p. 285.

### **Prohibition to Marry Women of the Same Lineage (*Nasab*)**

According to Ali Ahmad al-Jurjawi it is forbidden to marry a woman in the same lineage (*nasab*) by five things:<sup>92</sup>

1. That human beings are ashamed to mention the words of body (*wath'i*) in front of their relatives, let alone do it.
2. In order to maintain lineage.
3. Prevent damage or disaster.
4. Avoid the dangers that arise if marriage with them is permissible namely tyranny.
5. Prevent the emergence of prohibitions or attempts to block.

### **Conclusion**

After the author discusses in detail the wisdom of the sharia related to family law (*ahwal al-sakhsiyah*), from the beginning of the wisdom of marriage to the illegitimate wisdom of marriage because of *nasab*, it can be concluded that the wisdom of the family law (*ahwal al-sakhsiyah*) according to Ali Ahmad al-Jurjawi in his book *Hikmat al-Tasyri' wa Falsafatuhu* is to uphold the goodness and benefit of the servant in order to strengthen the Islamic brotherhood (*ukhûwah al-islâmiyyah*) which framed moral values in the household to achieve a family that is *sakinah*, *mawaddah*, and *rahmah* in this world and in the hereafter by always holding adhere to the nature of the objectives of the shari'a in giving orders to their servants to pair with one another and to complement each other, so that the peace of life in a family and family can be achieved, both husband and wife and children and extended families among them.

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92 Ali Ahmad al-Jurjawi, *Hikmat al-Tasyri'*, p. 125-126.

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