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HAKIKI AND MAJĀZI IN ISLAMIC LEGAL INTERPRETATION: IMPLICATIONS FOR GENDER ISSUES AND WOMEN'S RIGHTS

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Abstract

The growing prominence of gender equality and women's rights in modern society has intensified debates over the interpretation of Islamic law, particularly regarding whether Qur'anic and Prophetic texts should be understood through *ḥaqīqah* (literal meaning) or *majāz* (metaphorical meaning) in response to changing social realities. This study aims to analyze the concepts of *ḥaqīqah* and *majāz* within Islamic legal theory (*uṣūl al-fiqh*), examine their application to texts concerning gender and women's rights, and assess their relevance to the contemporary reformulation of Islamic law. Employing a qualitative library research approach, the study draws on classical and contemporary works on *uṣūl al-fiqh*, Qur'anic exegesis, hadith studies, and Islamic legal scholarship. The findings demonstrate that *ḥaqīqah* and *majāz* constitute complementary interpretive instruments in understanding Islamic legal texts. In particular, metaphorical interpretation can reveal the broader objectives of Islamic law (*maqāṣid al-sharīʿah*) and support more context-sensitive responses to gender-related issues and women's rights. Nevertheless, such interpretation must remain grounded in linguistic conventions, textual context, and established principles of Islamic jurisprudence to prevent arbitrary or subjective readings. The study concludes that a methodologically controlled application of *ḥaqīqah* and *majāz*

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can contribute to a more responsive, equitable, and contextually relevant framework of Islamic law. It further contributes to contemporary Islamic legal discourse by clarifying how classical linguistic principles may be employed to reconcile textual authority with evolving demands for gender justice.

Keywords: Gender Justice; Islamic Legal Interpretation; *Ḥaqīqah*; *Majāz*; Women's Rights

INTRODUCTION

The development of modern society has given rise to various legal issues that demand a response from Islamic law, particularly regarding gender issues and women's rights. In recent decades, debates have intensified regarding the status of women in Islam, women's right to participate in the public sphere, equal rights within the family, and the protection of women from various forms of discrimination (Nurcahaya & Akbarizan, 2023). These issues often stem from differences in understanding the texts of the Qur'an and hadith, particularly between approaches that emphasize literal meaning (*hakiki*) and those that allow for metaphorical meaning (*majāz*). Therefore, the study of hakiki and *majāz* is important because both have direct implications for the process of interpreting and formulating Islamic law (Wadud, 1999).

Hakiki and *majāz*i are two hermeneutical categories that underlie the interpretive tradition within the Islamic legal treasury. Hakiki refers to the literal or essential meaning of a text, while *majāz*i denotes a figurative or contextual meaning that goes beyond the literal wording (Yunita et al., 2025). This ontological distinction is not only terminological but also normative, as the choice between a true or *majāz*i reading determines the resulting legal implications. A systematic understanding of these two categories is necessary to unravel how sharia texts are applied in different socio-cultural contexts.

The emergence of gender issues and women's rights places the issue of "true" and "*majāz*i" interpretations in a strategic position within contemporary Islamic legal discourse. Many textual provisions, when read in their true form, appear to restrict women's freedom, opportunities, or protection. Conversely, the *majāz*i approach can open up the possibility of a reinterpretation that is more responsive to the principles of justice, welfare, and the *maqasid al-Shari'ah* (the purpose of sharia) (Fikri, 2024). Therefore, a study comparing the use of these

two interpretive approaches is crucial for understanding how the normative authority of the text interacts with demands for gender equality.

Beyond the theoretical dimension, modern socio-political dynamics—including mass education for women, public participation, and demands for human rights—exert pressure on the implementation of Islamic law based on traditional interpretations. Muslim countries and communities experience variations in hermeneutical choices that influence public policy, judicial decisions, and social practices (Rofiq, 2024). Empirical studies of how judges, religious scholars, and academics adopt "true" or "*majāz*i" interpretations in cases concerning women provide practical insights into the impact of interpretations on gender rights.

The study of essence and *majāz*i has long been known in the ushul fiqh tradition. Classical scholars, such as Al-Juwayni, Al-Ghazali, Fakhruddin al-Razi and Al-Amidi have paid special attention to this issue as part of the theory of interpreting Islamic law. In the contemporary context, the study of essence and *majāz*i gains new relevance when faced with various developing social problems, especially gender issues and women's rights. A number of studies have examined the relationship between the interpretation of religious texts and gender issues, both from the perspective of tafsir, maqashid al-syari'ah, and Islamic hermeneutics (Al-Ghazali, 1993). However, studies that specifically utilize the concepts of essence and metaphor as analytical instruments in understanding gender issues and women's rights are still relatively limited. Some studies focus more on interpretations, while the methodological aspects underlying these differences in interpretation have received little in-depth attention.

The literature on the essential and figurative meanings (*majāz*i) in the interpretation of Islamic law shows that the choice between the literal meaning (*ḥaqīqah*) and the figurative meaning (*majāz*) is not only a linguistic issue, but also has significant implications for the construction of gender relations and women's rights. A study by Hamidah et al. (2025) describes how the interpretation of QS. An-Nisa: 34 predominantly uses the ḥaqīqah approach that positions men as leaders (*qawwāmūna*) over women, while the *majāz* approach opens up the possibility of understanding this leadership more contextually and egalitarianly within the framework of gender justice. Yunita et al. (2025) emphasize that the integration of the essential and figurative understandings is essential to produce an accurate and contextual interpretation of the text in the development of contemporary Islamic law, especially when the text contains potential patriarchal bias. Sakdiah (2021) writes Nasaruddin

Umar's study of gender equality from the perspective of the Qur'an shows that many classical interpretations are burdened by a patriarchal social context, so that a reinterpretation is needed that takes into account the principle of universal equality of the Qur'an, where the choice of *majāz* meaning can be one of the methodological tools for that. Finally, the *maqāṣid al-syariʿah* approach as criticized by Wulandari and Andaryuni (2025a) emphasizes that gender justice is an integral part of the objectives of sharia, so that interpretations that are only fixated on the essential meaning without considering the context and *qarinah* can deny the principle of *ḥifẓ al-ʿird* (maintaining human dignity) and the welfare of the family.

The urgency of this research lies in the differences in understanding of essence and metaphor, which can lead to different legal consequences. Literal interpretation of a text can lead to specific legal conclusions, while metaphorical interpretation tends to produce interpretations that are more adaptive to current developments. In the issue of gender and women's rights, these differences are evident in the interpretation of the concept of male leadership in the family, women's participation in the public sphere, and the relationship between rights and obligations between men and women (Megasari, 2024). Therefore, the study of the essence and *majāz*i is not only important from a theoretical aspect, but also has practical significance in efforts to formulate Islamic law that adheres to the principles of sharia and is responsive to contemporary social dynamics.

This article aims to analyze the concepts of authenticity and metaphor from the perspective of ushul fiqh, examine their application in the interpretation of texts related to gender issues and women's rights, and explain their relevance in the reformulation of contemporary Islamic law (Fasiha et al., 2025). Thus, this study is expected to contribute to the development of a methodology for interpreting Islamic law that is able to bridge the gap between the authority of the text and the ever-evolving social dynamics.

METHODS

This research is a library research study with a normative-conceptual approach. Data sources include primary and secondary materials, namely books on Islamic jurisprudence (*usul al-fiqh*), commentaries, hadith compilations, and contemporary literature discussing gender, women's rights, and efforts to reform Islamic law. Sources were selected purposively to ensure direct relevance to the research focus (Moleong, 2018; Sulistiyo, 2023).

The data collection and processing process followed standard library research procedures: identification of relevant texts, thematic classification, and extraction of arguments or propositions related to the concepts of "hakiki" (true text) and "*majāz*i" (figurative figures of speech). Secondary data were used to provide historical, interpretive, and comparative context for the discourse on Islamic legal reform within gender studies. All sources were recorded and critically analyzed to assess the validity of the arguments and conceptual consistency (Rosidah et al., 2023; Satori & Komariah, 2017).

The analysis was conducted using a descriptive-analytical method (Anggito & Setiawan, 2018): in the descriptive stage, the concepts of "hakiki" (true text) and "*majāz*i" (figurative figures of speech) as expressed in the Islamic jurisprudence tradition are described, while in the analytical stage, the relationship of these concepts to contemporary issues related to gender and women's rights is examined. The results of the analysis are used to structure the discussion in three main parts: (1) the concept of essence and metaphor in ushul fiqh, (2) the application of these concepts in interpreting gender issues and women's rights, and (3) the relevance of the findings to the discourse on contemporary Islamic legal renewal or reform.

RESULTS

Hakiki and *Majāz*i in Ushul Fiqh as a Basis for Interpreting Islamic Law

In the tradition of ushul fiqh (Islamic jurisprudence), the term "hakikat" refers to the use of a word that follows the original or essential meaning of a word as accepted linguistically. The meaning of "hakikat" is not limited to lexical definitions alone, but also encompasses the understanding formed by the common usage of the language community at the time of the revelation of a text or the formulation of a law (Saputro, 2021). *Ushul* scholars place "hakikat" as the starting point in the exegetical process because it offers a semantic basis that can be verified through linguistics (*lugha*) and socio-cultural realities. Sources frequently cited for this discussion include classical works such as al-Shatibi and Ibn Hazm, as well as modern terminological studies in *ushul* studies (Al-Juwayni, 1980).

The function of essence as a starting point for interpretation provides semantic certainty directly related to the empirical or conceptual reference of a phrase. This certainty is important because sharia law essentially demands certainty of meaning so that the established law does not rely solely on conjecture. In practice, a *mujtahid* or *muqallid* will refer

to essence when the text (*nas*) does not contain specific indications that alter the literal meaning. It is in line with the principle of *fiqh* which values clarity and rejects unnecessary interpretations when a clear meaning is available (Junaedi, 2018).

From a methodological perspective, an emphasis on essence helps reduce the subjectivity of interpretation. By tying meaning to documented lexical usage, interpreters reduce the risk of introducing extraneous elements—such as personal interests, irrelevant contemporary contexts, or philosophical speculation—into legal determinations (Muzammil, 2025). It also facilitates harmonization between normative texts recorded in classical languages and the understanding of later generations, due to the presence of relatively stable semantic references.

However, the application of the principle of essence is not without limitations. Sharia texts often contain terms with layered or contextual meanings, so that the restoration of essence can lead to rigidity. For example, terms that are *maqami* (related to situations) or terms that undergo pragmatic changes over time require a more dynamic interpretation. Therefore, many *ushuliyyun* distinguish between words with fixed essential meanings (*thabitah*) and those that are *mutaghayyirah*, thus opening up space for the use of *sabab*, *maqasid*, and other *istinbath* principles when essence alone is insufficient (Al-Razi, 1992).

In the theory of legal formation, essence plays a crucial role in the identification of the referent (*marji'*). Before a mujtahid applies the rules of *istiṣlaḥ* or *qiyas*, he must determine whether the word refers directly to a specific empirical object. If so, the applicable law tends to follow the nature of that object as understood by essence (Khotimah, 2025). For example, the regulation of "khamr" in classical fiqh relies heavily on the essential definition of intoxicants. This determination influences whether a contemporary substance falls into the same category.

The practical implications of the priority of essence are evident in the modern phenomenon of technical *ijtihad* (*ijtihad al-fiqhi*). When confronted with new issues—such as narcotics, biotechnology products, or digital transactions—mujtahids often begin their analysis by asking whether a term found in the text has an essential equivalent for the new phenomenon. If no equivalent exists, some scholars choose to withhold legal pronouncements until a strong analogy or new consensus emerges; others expand the meaning through qiyas or *istiṣlaḥ* to address contemporary needs.

Criticism of the essence approach focuses on its potential conservatism and inability to respond to social change. Critics, including some modernist thinkers and some contemporary ushuliyyun, argue that overly reliance on literal meaning can hinder the *maqasid al-shari'ah* (objectives of Islamic law) which aim to safeguard the public good. They advocate a hermeneutic approach that combines linguistic analysis with consideration of objectives (*maqasid*) so that the law remains relevant without compromising the authenticity of the text. Al-Ghazali emphasized that understanding a text is not sufficient based solely on the literal meaning of the words, but must also consider the linguistic context, the circumstances under which the text was conveyed, and the objectives of sharia. According to him, interpretations that focus solely on the literal aspect have the potential to ignore the wisdom and legal objectives contained within the text. Therefore, understanding religious texts must be done holistically, integrating linguistic aspects, context, and the objectives of sharia (Al-Ghazali, 1993).

To bridge the two approaches, several combination methods are proposed: (a) starting with the essence as the interpretative default; (b) if the essence results in a deadlock or causes real harm, proceeding with other interpretative tools such as *sabab al-nuzul, maqasid*, *istihsan*, or *masali mursalah*; (c) documenting and distinguishing the resulting levels of legal certainty (*qat'i* vs. *dhanni*) to ensure transparency in its application. This approach maintains the conservative value of the essence while allowing for adaptation when faced with new realities (Masyhadi, 2023). It means that the principle of haqiqat in ushul fiqh serves as a crucial semantic foundation for ensuring the authenticity and certainty of law. It helps reduce speculation in interpreting texts, but it also requires sensitivity to the context and objectives of sharia to prevent it from becoming rigid. Combining haqiqat with other interpretative instruments is a middle ground adopted by many contemporary mujtahids to maintain a balance between fidelity to the text and the relevance of law in social dynamics.

The Relevance of Essentials and *Majāzi* in Gender Issues and Women's Rights

Gender issues in Islamic law are often influenced by the dominance of literal interpretations, which emphasize textual meaning without considering the social, historical, and objectives of sharia. This literal approach tends to read the text directly as a normative decree governing gender relations in a fixed hierarchy, thus solidifying a reading that positions men as absolute leaders and women as subordinates (Ichsan et al., 2026; Wijaksono

& Ichsan, 2022). Consequently, this interpretation is vulnerable to maintaining a patriarchal social structure that may no longer align with the principles of justice and welfare in the contemporary context.

One frequently cited example is the interpretation of the verse in Surah An-Nisa (4/34) concerning the term qawwamūn. In traditional literal interpretations, qawwamūn is often interpreted as evidence of male leadership over women in the family and community, with implications for decision-making authority, disciplinary authority, and priority for economic rights (Erianto et al., 2025). This reading entails asymmetrical gender relations and places public responsibility, including access to and control over resources, primarily on men.

However, if we shift to the essential approach (*ta'wīl* or *ẓahir-hakikat*), readers tend to seek the core meaning of the text, which is considered essential and permanent, thus reinforcing the concept of male leadership. This essential approach can lead interpretations to theological constructs about the roles of men and women, which are considered divinely ordained, thus limiting the opportunity to incorporate variables of social function or historical context (Fry, 2019). As a result, the text is treated as a final affirmation of gender roles that cannot be challenged.

In contrast, the *majāz* approach (or metaphorical/functional interpretation) offers a framework that emphasizes the functional responsibilities of *qawwāmūn*—especially in terms of responsibilities for family maintenance and protection—rather than hierarchical authority. In the *majāz* reading, the term *qawwāmūn* is understood as the delegation of protective-economic duties: men are given the responsibility to ensure the material well-being and safety of the family, while the leadership role takes the form of responsibility rather than the right of domination (Freeks, 2024). This approach opens up space for a more egalitarian normative reading of the division of duties and rights in both the domestic and public spheres.

The *majāz* approach is also consistent with the principle of *maqāṣid al-shari'ah*, which places the preservation of the common good (*maslahah*) and the protection of human rights as the goals of Islamic law. If the goals of sharia are to achieve justice, safeguard life, lineage, intellect, property, and religion, then an interpretation of the text that prioritizes the humanitarian context and well-being can be considered more in line with this spirit. Thus, the emphasis on the function of sustenance and protection according to *maqāṣid* shifts the focus from claims to authority to responsibility for the collective welfare (Wulandari & Andaryuni, 2025).

Jasser Auda's perspective strengthens this argument by emphasizing that the goal of Islamic law is not solely based on the literal meaning of the text, but must also ensure the protection of humanitarian values and the welfare of society. Auda argues that understanding sharia through the lens of maqāṣid provides normative flexibility to interpret religious texts contextually and prevent structural oppression. Thus, a *majāz* approach that prioritizes goals and benefits becomes a relevant hermeneutic instrument for reconstructing gender-related texts to meet the principles of justice (Auda, 2008). It means that reading Surah An-Nisa': 4/34 through the *majāz* and *maqāṣidiyah* approaches offers a more just, contextual, and functional interpretative path than a literal-*halāhi* reading that reinforces gender hierarchy. This approach does not eliminate role differences but redefines them as responsibilities directed at maintaining the welfare of the family and society—so that their implementation can be adapted to contemporary social dynamics that demand equality of rights and obligations.

DISCUSSION

The Relevance of Essence and Majasi in Contemporary Islamic Law Reformulation

Social change in the modern era has given rise to new issues not entirely present in classical times, including shifting gender roles, broader access to education, and women's involvement in public spheres such as economics and politics. These conditions demand a sensitive response from Islamic law to contemporary social realities: not to eliminate or reduce sharia principles, but to ensure the relevance and effectiveness of these values when applied to new situations. Sensitivity to the historical context, power structures, and socio-economic dynamics is absolutely necessary so that *ijtihad* does not stop at the repetition of texts, but rather bridges the texts and the lived practices of the community, so that Islamic law remains a source of justice, protection, and empowerment for all members of society (Khotimah, 2025).

The reformulation of Islamic law through a hermeneutic approach, such as *majāz* (metaphor/figurative), offers a methodological path for reinterpreting sharia texts with an orientation toward the *maqasid* (purpose) and wisdom of *sharia*. This approach emphasizes the flexibility of textual meaning as contexts change, so that the basic principles—humanity, justice, and welfare—can be substantively realized in contemporary social policies and practices without violating the normative framework of Islam (Gofar et al., 2025). However,

the application of *majāz* needs to be accompanied by strict methodological criteria: a study of language and the chain of thought, consistency with maqashid, and an assessment of social consequences—so that reinterpretation is not merely subjective, but remains accountable, rational, and able to provide ethical and responsive legal solutions to increase women's participation in public life.

The *majāz* approach is closely related to the *maqāṣid al-syarī'ah* theory. According to al-Syatibi, the main goal of sharia is to realize human benefit and prevent harm (Al-Syatibi, 2004). This thought was later developed by Ibn 'Āsyūr and Jasser Auda who emphasized the importance of the values of justice, freedom and human dignity in the development of contemporary Islamic law. Thus, the use of *majāz* can be a means of connecting the text with the universal goal of the Shari'a to prevent harm ('Ashur, 2001).

On the issue of women's rights, the *majāz* approach allows for a more inclusive understanding of women's educational rights, economic rights and social participation. Many provisions that were previously understood narrowly can be re-read within the *maqāṣid* framework, resulting in laws that are more in line with the needs of modern society. However, the use of *majāz* should not be done freely. Interpretation must remain based on Arabic rules, pay attention to strong qarinah, and not conflict with texts that are *qath'i* (Amdi, 2004).

The most fundamental challenge in the use of *majāz* lies in the potential for interpretive subjectivity, which can open up space for the justification of interests that deviate from sharia principles. Without a clear interpretative methodology—which includes hermeneutic criteria, the principles of ushul fiqh, and reference to authoritative scholarly traditions—*majāz* is vulnerable to being misused for political, social, or ideological interests (Hamidi, 2011). Therefore, the management of *majāz* must be carried out carefully: limited by the principles of *maqāṣid al-sharīʿah*, established sharia principles, and transparent scholarly procedures to ensure that interpretation remains accountable and does not erode legal certainty.

On the other hand, *majāz* plays a strategic role in maintaining the relevance of Islamic law to the dynamics of the times when balanced with *hakīqah*. *Hakīqah* provides an authoritative basis and normative certainty, while *majāz* provides interpretive flexibility so that Islamic law can respond to new issues—including gender issues and women's rights—with a vision of justice and welfare. The integration of the two, through a rigorous ushul

framework and *maqāṣid* orientation, enables Islamic law to remain an adaptive yet responsible value system, capable of protecting human dignity and striking a balance between legal certainty and the contextual needs of contemporary society.

CONCLUSION

This study demonstrates that the dichotomy of *hakīqah* and *majāz* in the ushul fiqh tradition has significant implications for the formation of contemporary Islamic law related to gender issues and women's rights. *Hakīqah* offers normative certainty and reduces interpretive subjectivity, while *majāz*—when applied methodologically and bound by Arabic language rules, strong qarinah, and the principles of maqāṣid al-sharīʿah—provides hermeneutic flexibility that allows for the reconstruction of women's roles and rights within the framework of justice and social welfare. Therefore, the normative recommendation of this study is to integrate the *hakīqah* approach as an authoritative basis with the controlled and maqāṣid-oriented use of *majāz* to produce *ijtihad* that is responsive to social dynamics without sacrificing legal certainty. The combination of these two approaches is expected to support the reformulation of Islamic law that is just, accountable, and relevant for the protection and empowerment of women in the modern era.

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