

MAQĀṢIDIC QUR'ANIC INTERPRETATION AND THE CONTESTATION OF FEMALE CIRCUMCISION IN INDONESIA: BRIDGING TRADITION AND MODERN ETHICS

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Abstract

Female circumcision is a tradition that has been running since Islam existed in Indonesia. The scholars who oblige female circumcision with the tendency of QS. Al Nahl [16]: 123 with other verses that show to follow the teachings of Ibrahim (as). The emergence of this regulation on the ban on circumcision has sparked controversy between state regulations and support by women activists and the WHO on an international scale. This study aims to measure the authority of evidence in *the madhab*

shafiiyah which requires it very urgently from the point of view of the interpretation of *maqāṣidī*. The research method uses *library research* by collecting verses and hadiths that are the basis for female circumcision. By looking at the aspects of *maqāṣidī* using the *interpretation approach of maqāṣidī*. It is concluded that *first*: the prohibition of female circumcision is not justified because there is no evidence that leads to haram based on the analysis of *the interpretation of maqāṣidī*, but it is necessary to pay attention if there is a *madharat* that occurs. *Second*: The problem of female circumcision is in a way that does not exist in the circumcision law itself so it has many negative effects, so what needs to be regulated is the circumcision procedure with the right medicine, *third*: Female circumcision is part of Islamic law, so its prohibition causes the elimination of something that has been regulated in Islam.

Keywords: *Tafsir Maqāṣidī, Female Circumcision, Islamic Tradition in Indonesia*

Introduction

Female circumcision is a tradition that is closely related to the Islamic community in Indonesia. This tradition is not new in religious rituals that have been running so far. The majority of Indonesian slam society are adherents of madzhab syafiiyah whose notaben requires circumcision not only for men, but also for women (Miskiyah, 2022). Therefore, the tradition of female circumcision in Indonesia is practiced closely, even it seems embarrassing if it is abandoned. It becomes a dilemma if the tradition that has been carried out is opposed by the state in the form of a ban on circumcision for women in the law, not only feminist women's defender activists also support it and this is proof not only in Indonesia, even the WHO issued a prohibition message (Karaman, 2021). This tradition became foreign when *the Egyptian Dār Iftā'* with the majority of countries adhering to madhahb syafiiyah and Islamic references in religion, namely al

Azhar, issued a fatwa that circumcision for women has no explicit evidence in the Qur'an and authoritative hadith written in fatwa no. 1648 of 2021 (Romziana, 2020). The constellation of fatwas did not stop with the MUI fatwa no. 9A of 2008 which opposed the ban on female circumcision as if it legalized and supported the tradition of circumcision of Muslim women in Indonesia (Fatwa, 2008). From a religious point of view, oppression of women or violence in the name of religion, especially Islam, is not justified (El-Hakim et al., 2022).

The purpose of this research is to uncover the roots of the tradition of *female circumcision* in Indonesia from the authoritative foundation that makes this tradition survive to this day. The researcher tries to explain some of the foundations that will certainly have some conclusions that are independent of some constellation views. In understanding the postulate of female circumcision, it is very urgent because the tradition in Indonesia is already running and the fatwa of Indonesian scholars in this case is represented by the MUI that has been issued. The struggle that occurred regarding female circumcision revolved around gender justice and the reality of *ijtihādiyyah*. The postulate is, indeed, that female circumcision is debatable but does not reach the realm of prohibition to do so, but whether this social reality can change this is due to some of the negative impacts that exist (Ida & Saud, 2020). The importance of this research is not only to uncover the issue of female circumcision but also to see radically the legality of female circumcision, besides that the difference between fatwa and *madhhab* background makes the *worldview* in using legal decisions also has implications for where the law is carried out because the realm of *ijtihad* that reveals *nash ḥannīy* as happens in *Dār al-iftā'* in Egypt and MUI in Indonesia.

Della Octavia Indana conducted research on a comparison between the Egyptian *Dār Iftā'* fatwa method and the MUI in Indonesia, both of which have *madhhab shafi'iyah* (Indana, 2024).

Another study on the validity of female circumcision hadith was conducted by Rashid, but this study only presents one hadith that is a postulate in favor of female circumcision, although there are several postulates used (Rosyid, 2020). The assumption of the tradition of female circumcision has been studied by as a form of reality of *converts* in Papua doing so because of the understanding of tradition as adherents of Islam. Some research literature has not presented the basic sharia postulate of female circumcision with a holistic view with the postulate of hadith as support. This research offers a novelty in the form of a holistic *maqāṣidi approach* to the practice of female circumcision by considering the postulates of hadith and verses proportionately in the context of *maqāṣid al-sharī'ah* and contemporary reality, using the conceptual framework of the Assyrian Wasfī Abu Zaid that has not been used in previous studies (Rahman, 2015).

This research uses a qualitative approach with a literature study method, by analyzing Qur'anic texts, hadiths, books of commentary, and classical and contemporary fiqh literature that discusses female circumcision. The approach used is the *interpretation of maqāṣidi* according to the Assyrian Wasfī Abu Zaid, which emphasizes the interpretation of verses based on the purposes of the sharia (*maqāṣid al-sharī'ah*) such as the protection of the soul, honor, and health. The analysis was carried out in a descriptive-analytical manner to explore the *maqṣad 'am* and *maqṣad juṣṣ'i* from related verses and hadiths, taking into account the benefits and contemporary realities. This study aims to formulate normative legal conclusions about female circumcision based on the *maqāṣidi* approach.

Female Circumcision

Circumcision comes from the Arabic language which means the cutting of the valve which is part of the male genitalia, while for women it is called *khafadh*, there are also those who use the

term *I'dzār* although sometimes all these terms can be used for both men and women (Asqalaniy, 2005). As for women, the *circumcision* process is by removing the skin part of the clitoris without exaggerating it and offering *madbarat* to women (Malibari, 2004). More contemporary, Wahbah Zuhailī is in line with this about the procedure of *circumcision* for women by removing a little skin on the clitoris as little as possible, with the advice not to overdo it and not to cut the beard at the end of the clitoris (Al-Zuhaili, 2000).

The picture below shows the parts that should be cut on the intimate parts of women in circumcision. The methods vary, some only injure a little part of the clitoris, cut the skin of the clitoris, and some even cut/remove the entire clitoris:

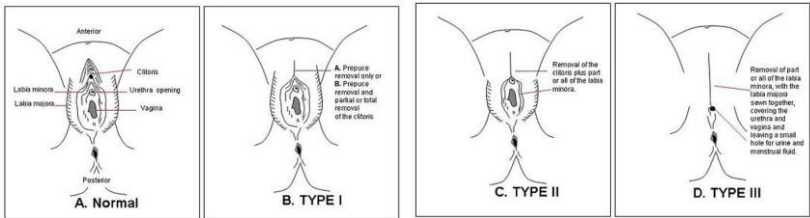


Figure 1. Four types of ways to circumcise women
(<https://www.alodokter.com/komunitas/topic/sunat-pada-perempuan>)

From the figure 1 above, it can be seen that there are 4 types of ways to circumcise women, depending on the type of vagina of each woman. As in the picture above, it shows the normal type, type I, type II, and type III, according to the description in each picture.

In Indonesian, especially Javanese, it is known as *circumcision*, while in Sundanese it is called *sunat*. Indeed, Sundanese is easy to add the letter nun or mim, it is easy to transfer the meaning of the origin of the word, therefore the term child is circumcised and sudat. The subtle language is sparse, derived from the derivative, the best term is clean. A sash is a small piece of cloth left over from cutting clothes. Published also means torn up. For example,

banana leaves or enou leaves are produced, that is, the middle part is taken. One of the kinds of Islamic ordinances is the term saving or saving this child (Hermanto, 2016; Husna & Bariroh, 2024).

In medical language, female circumcision is categorized into three terms Female Genital Cutting (FGC), Female Genital Mutilation (FGM), and Female Circumcision. Meanwhile, in the WHO anatomy, female circumcision is categorized into two, first *clitoridectomy* by removing part or all of the clitoris, or removing the clitoris and part of the small lip of the vagina (labia minora). Second, *infubilation*, which is by removing the entire clitoris and as a result or the entire labio minora, then the labia minora is sewn and almost covers the entire vagina. The open part is only left as big as the little finger for the removal of menstrual blood and urine and will be opened if the woman is going to get married (Rosyid, 2020).

The practice of female circumcision in each region has its own way and character, this indicates that traditional and cultural aspects cannot be separated from its existence. In Indonesia, the practice of female circumcision is usually carried out when it is still an infant and in general on the seventh day after birth and is performed by baby shamans and medical personnel and the majority of such things are done in Java (Husna & Sholehah, 2021). In other countries such as Somalia, it is enslaved when a woman is 17 to 60 years old. And in Ethiopia circumcision is usually performed on women generally aged 30 to 52, with a relatively older age (Januardi, 2022).

In terms of procedures, the practice of female circumcision has several ways in each region and country. In Africa, the practice of circumcision on a woman by cutting off most or even the entire part of the clitoris is known as clitoral excitation or dectomy (Lawal & Olapade-Olaopa, 2017). In some other areas, it is practiced by cutting the clitoris and removing the labia majora and then attaching both sides of the vagian by sewing or fusing them

naturally using threads known as *infibulation* or *cimcurcison* (Yerkes & Rink, 2010).

Female circumcision practitioners started from Semitic peoples, hamitoids in Southwest Asia and East Africa, some Negro peoples in East and South Africa as well as indigenous people of Asia and South America (Umar, 2014). From the historical evidence that has been accumulated, there is also an allegation that this practice has been carried out since 4000 years ago with the existence of mummies that have been observed in ancient Egypt. In the 2nd century BC, around 1350 BC, female circumcision was already a ritual that must be done before entering marriage. In Indonesia itself, the practice of circumcision already existed before Islam entered as in Sunda (Sayyidah, 2018).

Reality and Struggle

Since classical times, many scholars of the school have debated the law of female circumcision. Based on the hadith that states that circumcision is part of human nature, the Shāfiʿī School expressly stipulates circumcision for women (Al-Banteni, 1996). Imam Nawawi argues that female circumcision is obligatory like male circumcision, with the postulation of the generality of sharia commands (Al-Banteni, 1996). On the other hand, the Hanafi and Maliki schools do not obligate it and only consider it an action that is recommended (*sunnah*). Even some Hanbali scholars, such as Ibn Qudamah, argue that the law of female circumcision is more inclined to customs than sharia obligations. This difference of opinion shows that the law of female circumcision does not have to be carried out.

The following table maps the opinions of scholars (schools of thought) regarding the law of female circumcision.

Table 1. Opinions of Scholars Regarding the Law of Female Circumcision

No	School of Thought	Legal View	Opinion
1	Shafi'i	Obligatory	Imam Nawawi: Obligatory like male circumcision
2	Hanafi	Recommended (<i>Sunnah</i>)	Does not obligate
3	Maliki	Recommended (<i>Sunnah</i>)	Does not obligate
4	Hanbali	Customary (non-sharia)	Ibn Qudamah: More cultural than religious

In the modern era, this debate continues, especially when greater attention is paid to medical and human rights topics. Sheikh Ali Jum'ah, the former Grand Mufti of Egypt, opposes the practice of female circumcision because it is based on culture rather than Islamic law and because there is no definite evidence that requires it (Jum'ah, 2015). In addition, Islamic organizations such as Al-Azhar and Egypt's *Dār al-Iftā'* also issued fatwas that female circumcision is not part of a religious obligation and can endanger women's health. This opinion is supported by various medical studies that show that female circumcision can cause health complications such as infections, reproductive disorders, and psychological trauma (Organization, 2008).

The following is a graph that summarizes several factors of rejection of female circumcision in a modern perspective:

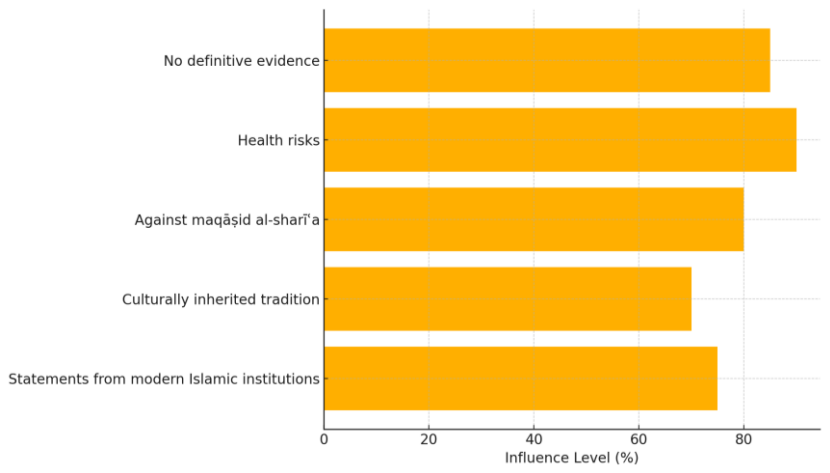


Figure 2. Key Factors Behind Contemporary Rejection of Female Circumcision

The graph in figure 2 above shows the main factors that influence rejection of the practice of female circumcision in a contemporary perspective. Thus, contemporary scholars are more likely to reject the obligation of female circumcision based on the considerations of *maqāṣid shari’a*, which focuses on the protection of women’s lives and health (Abdul Manap et al., 2024).

From the point of view of fiqh postulates, some scholars use QS. Al-An’ām [6]: 161, which mentions the necessity of following the teachings of the Prophet Ibrahim to make female circumcision mandatory. They say that this law also applies to Muslims because they are allowed to be circumcised. In addition, there is a hadith from Abu Dawud that mentions the Prophet’s command to a woman who performs circumcision, “*Do not overdo it, because it is more pleasant for the husband and better for the woman*” (Romziana, 2020). However, some hadith scholars, such as Imam Al-Baihaqi consider this hadith *dha’if* because the language of the word “*makhtun*” which is often used as the basis for the obligation of circumcision also refers to men, although there is no explicit redaction that As a result, the analysis of the evidence shows that there is no law that explicitly obliges women to be circumcised.

Therefore, the analysis of the evidence shows that there is no provision that explicitly requires female circumcision, so this law is more *ijtihadi* and open to review.

In addition to the postulate aspect, social and cultural factors also affect the practice of female circumcision. In various Muslim countries, this practice is more commonly found in regions with strong cultural traditions, such as in some communities in Africa, the Middle East, and Southeast Asia (Mackie, 2000). In Indonesia, for example, the practice of female circumcision is more common among rural communities compared to urban communities (Kesehatan, 2019). This cultural factor shows that female circumcision is more part of a tradition that has been passed down from generation to generation compared to Islamic teachings which have a strong legal basis (Guindi, 1999). Therefore, the law of female circumcision in Islam cannot be separated from the influence of local culture, so the *sharia maqashid* approach needs to be used to assess its relevance in the context of modern times.

Based on the analysis of evidence, the views of classical and contemporary scholars, as well as socio-cultural factors that influence this practice, the author finds indications that the law of female circumcision is not mandatory, but in the category of *mubah* or *sunnah*. The *maqashidi* interpretive approach emphasizes that Islamic law must consider human interests, especially in the aspects of protection of life and health. The local context is a topic in itself in applying the realm of women's consciousness as a form of contextualization of the phenomenon that occurs (Akbar, 2022). If a practice does not bring benefits and has the potential to be harmful, then the law should not be imposed as an obligation (Auda, 2008). Thus, the law of female circumcision remains an open *ijtihad* space, depending on the broader social, cultural, and welfare conditions in each Muslim community.

Regulations and Policies of the Government of Indonesia on Female Circumcision

The Indonesian government's policy on female circumcision has undergone significant changes in recent decades. The Indonesian Ministry of Religious Affairs (Kemenag), as one of the country's religious authorities, issued guidelines that support the practice of female circumcision under the pretext that it is part of Islamic teachings (Keschatan, 2019). In 2010, the Ministry of Health issued Regulation of the Minister of Health (Permenkes) Number 1636/MENKES/PER/XI/2010 concerning "Female Circumcision", which provides medical guidelines related to the procedure (Setiawan, 2017). However, this regulation was later revoked in 2014 on the grounds that female circumcision has no clear medical benefits and can endanger women's health (Indonesia, 2024). However, the policy that encourages the practice of female circumcision still has the support of some religious leaders who argue that this practice is part of the sunnah.

In addition to the government, Islamic organizations in Indonesia have different views regarding female circumcision. The Indonesian Ulema Council (MUI) in its fatwa in 2008 stated that female circumcision is part of Islamic teachings and should not be prohibited, even though it is not mandatory. However, Nahdlatul Ulama (NU) and Muhammadiyah have a more cautious attitude. NU is of the opinion that female circumcision should be carried out with health aspects in mind and should not be in the form of mutilation, while Muhammadiyah is more inclined to the opinion that this practice is not an obligation in Islam (Setiawan, 2017). This diverse attitude reflects the different approaches to understanding religious texts and the social impact of these practices.

In the context of the latest regulations, Government Regulation (PP) Number 28 of 2024 concerning Health expressly abolishes the practice of female circumcision as part of efforts to

maintain reproductive health (Indonesia, 2024). This step was appreciated by Komnas Perempuan which encouraged the implementation of elimination not only for infants, toddlers, and preschoolers, but also for women of all ages. Although this regulation has been issued, the debate about female circumcision is still ongoing among the public and religious authorities (Agne, 2024). Some question the legal basis and validity of the ban, especially related to the interpretation of religious teachings and cultural traditions (Watch, 2019). However, in terms of positive laws, Government Regulation Number 28 of 2024 provides a strong legal umbrella for the elimination of the practice of female circumcision, in line with efforts to protect women's human rights and reproductive health (Sulahyuningsih et al., 2021).

In the context of women's protection, many activists and human rights organizations believe that ambiguous regulations can have a negative impact on women, especially in communities where circumcision is mandatory. Human Rights Watch highlighted that the absence of an explicit ban in Indonesia prior to PP 28/2024 has led to the practice continuing in some areas without adequate medical supervision (Watch, 2019). Amnesty International also emphasized that stronger legal protections are needed to prevent the practice of circumcision that harms women. Therefore, a clearer legal approach is needed so that the state can ensure protection for women without causing resistance from religious groups.

Overall, regulations and policies related to female circumcision in Indonesia still face challenges in finding a balance between religious aspects and the protection of women's rights. With differing views among religious authorities and Islamic organizations, the government is expected to formulate policies that are not only based on religious views, but also take into account scientific studies and the social impact of these practices. Given that *maqashid sharia* aims to protect human welfare, more

inclusive regulations, based on health protection, and respect for human rights need to be a priority in determining policies related to female circumcision in Indonesia.

The Evidence of Female Circumcision

Several primary sources, including the Qur'an, the hadith of the Prophet, and the fatwas and ijtihad of scholars, are used in discussions of female circumcision in Islam. Although the Qur'an does not contain verses that explicitly state that women should be circumcised, some mufasssir and fuqaha use these verses implicitly (Chandra, 2023). Among them is verse 123 of QS. Al-Nahl, which states that the Prophet Muhammad must follow the religion of the Prophet Ibrahim (*'alaihibissalam*). According to Tafsir al-Marāghi and Ibn Kathīr, circumcision is one of the many practices of sharia fitrah taught by the Prophet Ibrahim. The Prophet's hadith that Ibrahim was circumcised at the age of eighty reinforces this idea (Gunara et al., 2024).

In addition, some scholars interpret the QS. Al-Baqarah [2]: 124 which mentions "several sentences" that were tested on the Prophet Ibrahim as a practical commandment, one of which is circumcision (Masykur & Mubakkirah, 2023). In addition, the verse of QS. Ali Imran [3]: 95 reiterates the call to follow the religion of Abraham, affirming that this practice is part of the value of fitrah. However, the mufasssir do not explicitly associate these verses with the obligation of circumcision, especially for women, without endorsing the practice of companions or hadith.

Several hadith narrations are used as a basis. *Shāfi'īyyah* sees the Muslim hadith that mentions the five human fitrahs, one of which is circumcision, as a proposition that applies to both sexes. In addition, scholars use the hadith "when two circumcisions meet" (*iltiqā' al-khitānayn*) to show that women were also circumcised in the time of the Prophet (Sayyidah, 2018). In al-Majmū', Imam al-Nawawi states that women in the Shāfi'ī *madhhab*

must perform circumcision. This is based on the understanding that the law of circumcision is included in *tahārah* (purification) and *ta’abbud* (worship) for all Muslims (Al-Banteni, 1996; Sakka, 2021).

However, some other hadiths, such as those narrated by Ahmad, which say that “*al-khitānu sunnatun li al-rijāl wa makrūmatun li al-nisā*” (circumcision is sunnah for men and glory for women), serve as the basis for the Hanafi and Maliki sects, which do not require female circumcision (Gomaa, 2013). In the same way, the hadith of Umu Athiyyah, which contains the prohibition of “excessive cutting”, shows that female circumcision was not only known in the time of the Prophet, but also shows the Prophet’s concern for the ethical way of doing it (Mundzir & Muthmainnah, 2022).

Here is a table summarizing the sources of Islamic law, the substance of legal arguments, and the various perspectives on female circumcision in Islam:

Tabel 2. Legal Basis and Jurisprudential Positions on Female Circumcision in Islam

No	Sources of Islamic Law / Reference	Legal Arguments / Interpretations	Views on Female Circumcision
1	Qur’an (QS. Al-Nahl:123; Al-Baqarah:124; Ali Imran:95)	While no verse directly mandates female circumcision, some exegetes associate these verses with <i>fiṭrah</i> (natural disposition), as practiced by Prophet Ibrahim.	Considered part of Abrahamic tradition, but not explicitly obligatory for women.
2	Hadith of the Prophet (e.g., Muslim; <i>iltiqā’ al-khitānayn</i> ; Ahmad;	Hadiths mention circumcision as one of five <i>fiṭrah</i> acts, refer to the practice	Acknowledged as a known practice; importance

	Umm ‘Athiyyah)	during the Prophet’s time, and advise ethical procedures.	placed on method and moderation.
3	Islamic Jurisprudential Schools (<i>Madhhab</i>)	Shāfi’ī: obligatory; Hanafī and Maliki: meritorious (<i>makrūmah</i>) but not compulsory.	Juridical opinions vary: from obligatory to ethically encouraged.
4	Modern Fatwas (e.g., MUI, Yusuf al-Qaradhawi)	MUI affirms its religious legitimacy while discouraging harmful practices; Qaradhawi stresses context and consequences.	Permissible if non-harmful and ethically sound.
5	Maqāṣid al-Sharī‘ah Perspective	Legal rulings must prioritize preservation of life (<i>ḥifẓ al-naḥs</i>) and dignity (<i>ḥifẓ al-‘irdh</i>).	Focus on benefit (<i>maṣlaḥah</i>) and harm prevention, not rigid formalism.

Table 2 above categorizes the diverse and nuanced evidences used to justify or regulate female circumcision within the Islamic legal tradition. Although the Qur’an does not mandate the practice explicitly, exegetical interpretations link certain verses to the broader Abrahamic model of *fitrah* that includes circumcision. However, these are interpretive in nature and do not mention female circumcision specifically. From the *hadith* corpus, multiple narrations are cited to support the notion that female circumcision was known and practiced, yet ethical concerns (such as the prohibition of excessive cutting) highlight that method and moderation are key religious concerns. The Shāfi’ī school considers female circumcision obligatory, largely due to its

classification as part of *ṭabārah* (ritual purification), while Hanafi and Maliki schools regard it as meritorious but non-obligatory, basing their view on hadiths that distinguish male and female obligations. Contemporary fatwas, such as that from Indonesia's MUI, recognize the religious basis for the practice but emphasize health, safety, and social ethics. Scholars like Yusuf al-Qaradhawi argue for a contextual re-evaluation, asserting that any religious practice causing harm can be reconsidered in light of the higher objectives of Islamic law (*maqāṣid al-shari'ah*), particularly the preservation of life and human dignity. Thus, the practice, while present in Islamic discourse, is not uniformly obligatory across all schools or contexts, and is increasingly subject to reinterpretation based on ethical, legal, and medical considerations.

According to MUI Fatwa No. 9A of 2008, female circumcision is part of Islamic teachings that should not be prohibited. But don't overdo it or be too bad (Sholeh, 2012). This is in accordance with the approach of *maqāṣid al-shari'ah*, which makes *ḥifẓ al-naḥs and ḥifẓ al-'irdh* as the basis for the determination of law (Nursyahbani et al., 2024). In addition, modern scholars such as Yusuf al-Qaradhawi emphasize that although the law can be changed if the practice of female circumcision has negative consequences, it does not automatically remove the basic laws of Islam, which are based on the values of fitrah and sharia (Nuranisa, 2021).

Therefore, although the Shafi'i school has historically viewed female circumcision as mandatory, contextual developments—both from a medical and social perspective—require an assessment of its implementation without losing its sharia legitimacy (Fadhli, 2016). There is evidence that supports female circumcision as part of Islamic teachings, but the method and form must be adjusted to the principles of women's goodness and protection (Hudiyani, 2024).

Tafsir *Maqāsidī* Wasfi Ashur Abu Zayd

The approach to interpreting the Qur'an, known as tafsir *maqāsidī* emphasizes the achievement of *maqāsid al-sharī'a*, namely defending religion, soul, intelligence, heredity, and property (Muftadin, 2022). This method emerged in response to the need for a more contextual interpretation that is in accordance with the dynamics of the times (Umayyah, 2016). Wasfi Ashur Abu Zayd was instrumental in developing the theory and method of interpretation of *maqāsidī* in this context.

According to Abu Zayd, *the maqāsid* of the Qur'an consists of five parts: *maqāsid āmmah* or general, *maqāsid kbāṣah* or special, *maqāsid surah*, *verses*, and words or letters. He emphasized that each level serves to understand the message of the Qur'an as a whole. This method allows for a more in-depth and contextual interpretation of sacred texts (Ramdini, 2024).

Al-irtibāṭ al-ma'nawī bayna al-nuṣuṣ wa maqāsid al-sharī'ah is one of the main methods developed by Abu Zayd. This term refers to the meaningful relationship between the texts of the Qur'an and the purposes of the Sharī'ah. This method requires the *mufasssir* to understand the verse not only literally, but also in the context of the broader purpose of the sharia. As a result, interpretation becomes more relevant and relevant to the contemporary world (Khotijah & Fadal, 2022).

Abu Zayd emphasized that the tafsir *of maqāsidī* can serve as a bridge between the sacred text and the reality of life because it can be integrated with various other methods of interpretation, such as tafsir *bi al-ma'thūr* and *tafsir bi al-ra'y*, which allow for a more comprehensive interpretation and in accordance with the socio-cultural context of Muslims (Ainur Rifqi & Halil Thahir, 2019).

The approach of *maqāsidī* tafsir made by Abu Zayd is particularly relevant for Indonesia, which has complex cultural and social diversity. Tafsir *maqāsidī* can help in building a more contextual and applicative understanding of the Qur'an by

emphasizing the purpose of the sharia (Khatijah & Riyadi, 2021). This is important in facing the challenges of the times and making the Qur'an a relevant guideline for life.

Female Circumcision in a Review of *Maqāṣidī* Tafsīr

QS. Al-Nahl [16]: 123 is one of the verses that is often used as an argumentative pillar by scholars to explain the importance of adhering to the teachings of the Prophet Ibrahim. In this verse, Allah SWT said, “*Then We revealed to you (Muhammad): Follow the religion of Abraham who is righteous, and he is not of the polytheists*”. This verse emphasizes the need to follow the millah or teachings of the Prophet Ibrahim as a path that is fair, straight, and in accordance with human nature. The approach of *maqāṣidī interpretation* sees this verse not only from the textual side, but also from the side of the goals to be achieved by the sharia, namely *hifẓ al-dīn* (safeguarding religion) and *hifẓ al-nafs* (safeguarding the soul) as part of the five main maqāṣids in Islam (Auda, 2008).

In hadith literature, the Prophet Ibrahim is mentioned to have been circumcised at an old age, as mentioned in the saheeh narration (HR. Muslim). This reinforces the opinion that circumcision is part of Abraham's teachings and is a symbol of self-purification in Islam. The classical Shāfi'yyah then established that circumcision, both male and female, is mandatory, as affirmed by Imam al-Nawawi in Al-Majmū' and Rawḍah al-Ṭālibīn, who stated that circumcision is a requirement for religious perfection and cleanliness (Al-Banteni, 1996). Within the framework of the interpretation of *maqāṣidī*, the practice of circumcision is positioned as an instrument in achieving the benefits of shari'i, especially in the aspects of cleanliness and honor, which are part of the purpose of sharia.

However, *the maqāṣidī approach* allows for legal reconstruction when the practice of female circumcision causes *physical and psychological maṣṣadah* (damage). Egypt, which adheres to the Shāfi'i

school, has institutions such as *Dār al-Iftā'* and al-Azhar that prohibit female circumcision even in some cases because it is contrary to *maqāsid al-sharī'ah*. They argue that, although the negative effects of female circumcision are real, there is no *evidence of qaṭ'i* (firm and definitive) that obliges it. This is especially true for cases of genital mutilation that occur in some African countries and rural Egypt (Caldwell et al., 1997).

Maqāsidī *interpretation* of QS. Al-Nahl [16]: 123 focuses more on the purpose of the Prophet Abraham's teachings which *are hanif* and *fītri* rather than simply emphasizing that we must follow them literally. In this situation, circumcision as part of fitrah must bring benefits, not *madharat*. The law can change when useful substances are not found and even replaced by non-useful ones. This principle is in line with the principle of *usul*, which reads, "*al-ḥukm yadūru ma'a al-'illah wujūdan wa 'adaman*", which means that the law revolves along with its cause, whether it exists or not. Therefore, while still making *maqāsid al-sharī'ah* the main determinant, the interpretation of *maqāsidī* accommodates changes in the law (Solikhudin, 2022).

However, it should be emphasized that the change in the law is not a rejection of the principle of circumcision as a whole. Thus, *the maqāsidī* approach gives us the opportunity to talk about the issue not of circumcision, but how it is done. Therefore, the revision of Egyptian law does not necessarily reject circumcision as a sharia teaching. Instead, they say that it should be done in accordance with *maqāsid*, which means safeguarding the soul, dignity, and health of women. Therefore, the *tafsir of maqāsidī* from QS. Al-Nahl [16]: 123 can still be used as a basis for establishing the principle of circumcision as a teaching of fitrah, as long as its implementation does not conflict with the purpose of the benefit of the sharia (Mundzir & Muthmainnah, 2022).

The following is the *maqāsidī* approach to female circumcision, which summarizes the Maqāsidī interpretation

approach to the issue of female circumcision based on QS. Al-Nahl [16]:123:

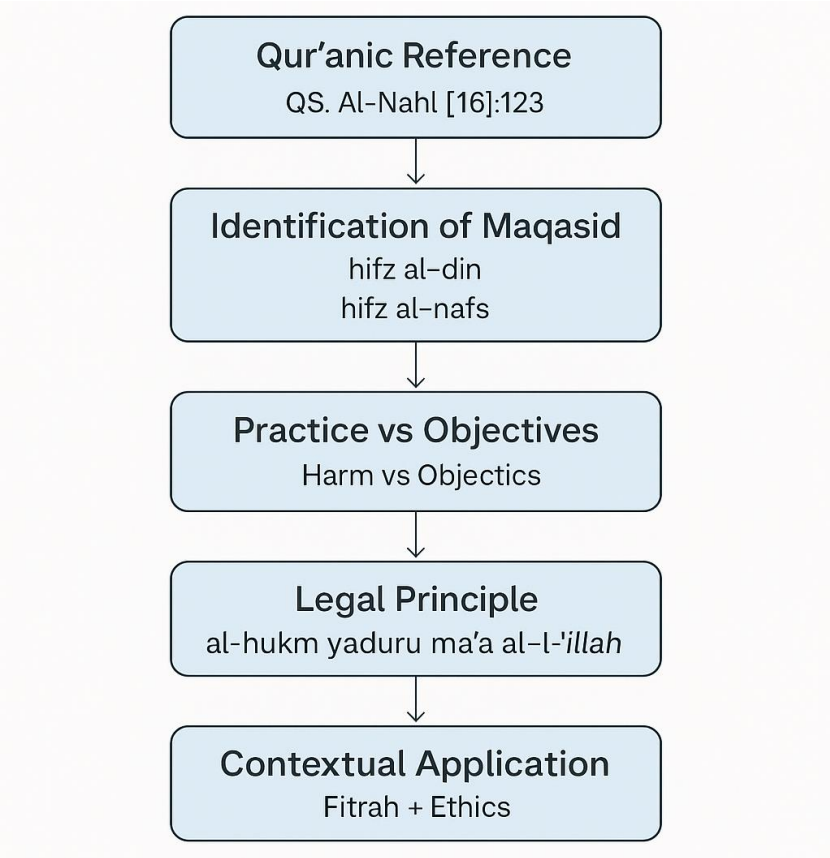


Figure 3. Maqāṣidī Approach Flow on Female Circumcision

Figure 3 above outlines a stepwise *maqāṣidī* reasoning process applied to the issue of female circumcision within Islamic legal discourse: 1) Textual reference (QS. Al-Nahl [16]:123). The verse commands the Prophet Muhammad to follow the religion of Abraham (*millah Ibrāhīm*), which scholars interpret as encompassing circumcision as part of *fitrah* (natural disposition); 2) *Maqāṣid* identification. The interpretation shifts from textual

literalism to evaluating how the practice aligns with *maqāsid al-shari'ah*—particularly the preservation of religion (*ḥifẓ al-dīn*) and the preservation of life (*ḥifẓ al-nafs*); 3) Conformity between practice and objectives. The implementation of female circumcision is assessed through its ability to fulfill or violate the core objectives of Islamic law, especially in terms of ethics, health, and human dignity; 4) *Mafsadah* versus *maṣlaḥah* consideration. If harm (*mafsadah*) is present—physically, psychologically, or socially—then the legitimacy of the practice must be reconsidered through a harm-benefit analysis; 5) Legal adjustment based on *uṣūl al-fiqh*. Following the principle “*al-ḥukm yadūru ma‘a al-‘illah wujūdān wa ‘adaman*” (legal rulings depend on their underlying cause), the practice’s ruling may shift depending on contextual necessity and social outcomes; 6) Contextual Implementation with Ethical Standards. The final stage is a context-sensitive application that preserves the core value of *fitrah* while avoiding harm and maximizing benefit in line with *maqāsid* principles.

This flow shows that the *maqāsidī* approach does not reject religious tradition, but instead emphasizes ethical adaptation and contextual re-interpretation based on the well-being of women and society at large.

Conclusion

Using the *maqāsidī* interpretation approach, research on the postulates of the Qur'an such as QS. Al-Naḥl [16]:123 and several hadiths on *khitān* show that female circumcision has a normative basis in Islam, especially in the Shāfi'iyah madhhab, which tends to obligate it. The *maqāsidī* approach demands an understanding of the law based on the purposes of the sharia, including the protection of human soul, offspring, and honor, in addition to the understanding of the text. Therefore, the basic values of sharia can be contrary to the absolute prohibition of female circumcision

without distinguishing between the law of origin and the practice that gives rise to the *madharat*.

In the case of female circumcision, the main problem lies not in the original law, but in how it is performed, which is sometimes incompatible with safety and welfare. Therefore, proper disclosure is not a total prohibition; rather, it is to change medical procedures in a proportionate, safe, and educational way. Therefore, *maqāṣid al-shar'ah* remains, still maintaining the provisions of the sharia that have been agreed upon by classical scholars in the right context.

Finally, the reading of the *maqāṣidi interpretation* of the law of female circumcision allows for contextual *ijtihad* while remaining firmly rooted in the values of revelation. Without taking a deep *maqāṣidi* approach, a generalistic prohibition of this practice can actually result in the elimination of part of Islamic law. Therefore, in order to deal with this issue wisely and proportionately, a balance is needed between the protection of women's rights, medical adjustments, and respect for the authority of Islamic law. More specific and in-depth follow-up research on a wide range of topics is available thanks to this research. First, it is necessary to conduct comparative research between classical and modern schools of jurisprudence in dealing with the issue of women's *khitān* with the *maqāṣidi* approach. This is especially important to do in countries with different social and cultural backgrounds. Second, in order to know objectively the types of *madharat* that may arise and how the sharia handles them, further investigation is needed into the practice of female circumcision from a medical, psychological, and sociological point of view. Third, research on the interpretation of *maqāṣidi* on verses related to the teachings of the Prophet Ibrahim and the earlier sharia can still be done, especially in terms of studying the authority of the sharia "*qablana*" (the people who lived before the Prophet Muhammad PBUH) in contemporary Islamic law. Fourth, it is recommended to integrate

the research of *maqāsid al-tafsīr* with contemporary hermeneutic or ushul fiqh approaches.

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