

## CHAPTER IV

### THE INTERPRETATION OF AL-QURTHUBÎ AND WAHBAH AL-ZUHAILÎ ON THE MARRIAGEABLE AGE IN THE QUR'AN

#### A. The Verses Related to the Marriageable Age in the Qur'an

In the Islamic guidances based on the Qur'an and *hadits*, there are no explanations of the ideal age for a person to get married. However, what is required is puberty (*bâligh*).<sup>1</sup> Therefore, several sentences were found relevant to the statement. Those verses are found in Sûrah Al-Nûr verses 32-33 widely explain the guidances to marry a single one who is qualified for marriage as well as the guidances to hold the marriage if they have not met some of the worthiness conditions. Then, Sûrah al-Nisâ verse 6, although this verse is generally considered to be an argument about handing over the property of orphans, on the other side, if we look at the context of this verse, it also describes the guidance of puberty (*bâligh*) or the limitation of a person being declared old enough to get married. In this research, the verse will provide an extended explanation of Sûrah al-Nûr verse 32 has been explained before. In addition, several other verses are also related to the sign of puberty (*bâligh*) will also discussed in this research: Sûrah an-Nûr verse 59, Sûrah al-An'âm verse 152, Sûrah al-Hajj verse 5 and Sûrah Yûsuf verse 22.

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<sup>1</sup> Sofia Hardani, "Analisis Tentang Batas Umur Untuk Melangsungkan Perkawinan Menurut Perundang-undangan di Indonesia", *An-Nida': Jurnal Pemikiran Islam*, Vol. 40, No. 2 July-Agustus 2015, 135.

## 1. Q.S. Al-Nisâ verse 6

وَأَبْتَلُوا الَّذِينَ حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ وَلَا تَأْكُلُوهَا إِسْرَافًا وَبِدَارًا أَنْ يَكْبُرُوا وَمَنْ كَانَ غَنِيًّا فَلْيَسْتَعْفِفْ وَمَنْ كَانَ فَقِيرًا فَلْيَأْكُلْ بِالْمَعْرُوفِ فَإِذَا دَفَعْتُمْ إِلَيْهِمْ أَمْوَالَهُمْ فَأَشْهَدُوا عَلَيْهِمْ وَكَفَىٰ بِاللَّهِ حَسِيبًا ﴿٦﴾

*Meaning: "Make trial of orphans until they reach the age of marriage, if then you find sound judgment in them, release their property to them, but consume it not wastefully or in haste against their growing up. If the guardian is well-off, let him claim no remuneration, but if he is poor, let him have for himself what is just and reasonable. When you release their property to them, take witness in their presence, but all-sufficient is God in taking account."<sup>2</sup>*

## 2. Q.S. Al-Nûr verse 32-33

وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ إِنْ يَكُونُوا فُقَرَاءَ يُغْنِهِمُ اللَّهُ مِنْ فَضْلِهِ وَاللَّهُ وَاسِعٌ عَلِيمٌ ﴿٣٢﴾ وَلْيَسْتَعْفِفِ الَّذِينَ لَا يَجِدُونَ نِكَاحًا حَتَّىٰ يُغْنِيَهُمُ اللَّهُ مِنْ فَضْلِهِ وَالَّذِينَ يَبْتِغُونَ الْكِتَابَ مِمَّا مَلَكَتْ أَيْمَانُكُمْ فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا وَعَاقِبُوهُمْ مِنْ مَالِ اللَّهِ الَّذِي آتَاكُمْ وَلَا تُكْرِهُوا فَتِيَّتِكُمْ عَلَى الْبِغَاءِ إِنْ أَرَدْنَ تَحَصُّنًا لِيَبْتِغُوا عَرَضَ الْحَيَاةِ الدُّنْيَا وَمَنْ يُكْرِهِنَّ فَإِنَّ اللَّهَ مِنْ بَعْدِ إِكْرَاهِهِنَّ غَفُورٌ رَحِيمٌ ﴿٣٣﴾

﴿٣٣﴾

32. "Marry those among you who are single, or the virtuous ones among your slaves, male or female, if they are in poverty, God will give them means out of His grace, for God encompasseth all, and He knoweth all things."

33. "Let those who find not the wherewithal for marriage keep themselves chaste, until God gives them means out of His grace. And if any of your slaves ask for a deed in writing (to enable them to earn their freedom for a certain sum), give them such a deed if you know any good in them, yea,

<sup>2</sup> Abdullah Yusuf Ali, *The Holy Qur'an, text, translation and commentary*, 180.

*give them something yourselves out of the means which God has given to you. But force not your maids to prostitution when they desire chastity, in order that you may make a gain in the goods of this life. But if anyone compels them, yet, after such compulsion, is God oft-forgiving, most merciful (to them)."*<sup>3</sup>

3. Q.S. An-Nur verse 59

وَإِذَا بَلَغَ الْأَطْفَالُ مِنْكُمْ الْحُلُمَ فَلْيَسْتَأْذِنُوا كَمَا اسْتَأْذَنَ الَّذِينَ مِنْ قَبْلِهِمْ كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ آيَاتِهِ ۗ وَاللَّهُ عَلِيمٌ حَكِيمٌ ﴿٥٩﴾

*Meaning: "But when the children among you come of age, let them (also) ask for permission, as do those senior to them (in age): thus does God is full of knowledge and wisdom."*<sup>4</sup>

4. Q.S. Al-An'âm verse 152

وَلَا تَقْرُبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ يَبْلُغَ أَشُدَّهُ ۗ وَأَوْفُوا بِالْكَيْلِ وَالْمِيزَانَ بِالْقِسْطِ ۗ لَا نُكَلِّفُ نَفْسًا إِلَّا وُسْعَهَا ۗ وَإِذَا قُلْتُمْ فَاعْدِلُوا وَلَوْ كَانَ ذَا قُرْبَىٰ ۗ وَبِعَهْدِ اللَّهِ أَوْفُوا ذَٰلِكُمْ وَصَّاكُم بِهِ ۗ لَعَلَّكُمْ تَذَكَّرُونَ ﴿١٥٢﴾

*Meaning: "And come not nigh to the orphan's property, except to improve it, until he attain the age of full strength, give measure and weight with (full) justice, no burden do we place on any soul, but that which it can bear, whenever you speak, speak justly, even if a near relative is concerned, and fulfil the covenant o God, thus doth He command you, that you may remember."*<sup>5</sup>

<sup>3</sup> Abdullah Yusuf Ali, *The Holy Qur'an, text, translation and commentary* (Maryland USA: Amana Corp, 1983), 905-906

<sup>4</sup> Abdullah Yusuf Ali, *The Holy Qur'an, text, translation and commentary*, 916.

<sup>5</sup> Abdullah Yusuf Ali, *The Holy Qur'an, text, translation and commentary*, 336.

## 5. Q.S. Al-Hajj verse 5

يَتَأْتِيهَا النَّاسُ إِنْ كُنْتُمْ فِي رَيْبٍ مِّنَ الْبَعْثِ فَإِنَّا خَلَقْنَاكُمْ مِّن تُّرَابٍ ثُمَّ مِّن نُّطْفَةٍ ثُمَّ مِّن عِلْقَةٍ ثُمَّ مِّن مُّضْغَةٍ مُّخَلَّقَةٍ وَعَيْرٍ مُّخَلَّقَةٍ لِّنَّبِّينَ لَكُمْ وَنُقِرُّ فِي الْأَرْحَامِ مَا نَشَاءُ إِلَىٰ آجَلٍ مَّسْمُومٍ ثُمَّ نُخْرِجُكُمْ طِفْلًا ثُمَّ لِتَبْلُغُوا أَشُدَّكُمْ وَمِنْكُمْ مَّن يُتَوَفَّىٰ وَمِنْكُمْ مَّن يُرَدُّ إِلَىٰ أَرْذَلِ الْعُمُرِ لِكَيْلَا يَعْلَمَ مِن بَعْدِ عِلْمٍ شَيْئًا وَتَرَى الْأَرْضَ هَامِدَةً فَإِذَا أَنزَلْنَا عَلَيْهَا الْمَاءَ اهْتَزَّتْ وَرَبَّتْ وَأُنبَتَتْ مِن كُلِّ زَوْجٍ بَهِيجٍ ﴿٥﴾

*Meaning: "O mankind! If you have a doubt about the resurrection, (consider) that we created you out of dust, then out of sperm, then out of a leech-like clot, then out of morsel of flesh, partly formed and partly unformed, in order that we may manifest (our power) to you, and We cause whom We will to rest in the wombs for an appointed term, then do We bring you out as babes, then (foster you) that you may reach your age of full strength, and some of you are called to die, and some are sent back to the feeblest old age, so that they know nothing after having known (much). And (further), thou seest the earth barrent and lifeless, but when We pour down the rain on it, it is stirred (to life), it sweels, and it puts forth every kind of beautiful growth (in pairs)."*<sup>6</sup>

## 6. Q.S. Yûsuf verse 22

وَلَمَّا بَلَغَ أَشُدَّهُ ءَاتَيْنَاهُ حُكْمًا وَعِلْمًا وَكَذَلِكَ نَجْزِي الْمُحْسِنِينَ ﴿٢٢﴾

*Meaning: "When Joseph attained his full manhood, we gave him power and knowledge, thus do We reward those who do right."*<sup>7</sup>

**B. Interpretation of al-Qurtubî and Wahbah al-Zuhailî**

## 1. Interpretation of al-Qurthubi

<sup>6</sup> Abdullah Yusuf Ali, *The Holy Qur'an, text, translation and commentary*, 851

<sup>7</sup> Abdullah Yusuf Ali, *The Holy Qur'an, text, translation and commentary*, 558.

a. Q.S. Al-Nisâ verse 6

This verse doesn't explicitly explain the legal age limit for a Muslim to get married. But, this verse discusses how the laws, procedures, and conditions for managing the assets of orphans mentioned in verse with the sentence "until they old enough to marry." Based from this sentence, al-Qurthubî explained that the verse means those have entered the age of puberty (*bâligh*). Then he gave more explanation that a person has reached a *bâligh* if he/she has five things in him/herself, three of them are found in men and women, while the other two are specifically for women, menstruation and pregnancy.<sup>8</sup>

The scholars have agreed that a person who has reached the age of puberty, then the obligations and laws of the *syari'ah* have applied to him. As for growth and age, al-Qurthubî quotes the opinion of several scholars who say that a person is said to have reached puberty when he reaches the age of 15 years old even though he has not dreamed yet. So, for a Muslim who is 15 years old, he has implemented sharia law and has considered a *mukallaf*, because it was at the age of 15 years old that a Muslim was permitted to *jihad* and fight during the time of the Prophet Muhammad PBUH.<sup>9</sup>

However, in another opinion it is explained that someone who has not got nocturnal emission but has reached the age that people believe he has got it is 17 years old, then he is considered mature and required to comply with sharia law. However, some scholars have the opposite opinion and state that a

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<sup>8</sup> Al-Qurthubî, *al-Jâmi' li Ahkâm al-Qur'an* Vol 12, Translaters, 85

<sup>9</sup> Al-Qurthubî, *al-Jâmi' li Ahkâm al-Qur'an* Vol 5, Translaters, 86-87.

person cannot be said to be mature just based on his age limit, but as long as he has not dreamed then he cannot be categorized as mature even though he is 40 years old. Among the various kinds of differences opinion circulating between *tafsir* and *fiqh* scholars, al-Qurthubî explained his opinion that a person's puberty is when he is 15 years old.<sup>10</sup>

b. QS Al-Nûr verses 32-33

In interpreting these verses, al-Qurthubî groups the discussion into several points:

- 1) Marriage is a way to improve and maintain yourself. So Allah commanded them to marry people who don't have a partner, to protect themselves and their dignity. According to al-Qurthubî's perspective, this guidance was addressed to marriage guardian, because women cannot marry themselves without the consent of their marriage guardians.
- 2) There are some differences of opinion about the law of marriage because it depends on the conditions of each person. The difference is in terms of the ability to refrain from despicable thing. So, marriage can be legally obligatory, *sunnah* and *mubah*.
- 3) The word *al-ayâma minkum* in the verse above means people who don't have a partner, either male or female. Arabic language experts agree that the origin version of the word *al-ayimu* (the singular form of *al-ayâma*) means a woman who doesn't have a husband, whether

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<sup>10</sup> Al-Qurthubî, *al-Jâmi' li Ahkâm al-Qur'an* Vol 5, Translaters, 87-88.

she is a virgin or a widow. This word is generally used for women, so it is like a word borrowed for men.

- 4) The sentence *wa ankihû al-ayâma minkum* (And marry those who are alone among you), the meaning is a free person, not enslaved people. Meanwhile, for the enslaved people, it is explained in the next sentences of this verse *wa al-shâlihîna min 'ibâdikum* (and those who are worthy (married) of your male slaves and your female slaves). The word *al-shâlihîn* means people who are worthy.<sup>11</sup>

Then in the next verse, al-Qurthubî divides the idea of interpretation into 18 points, but just a few points only related to the theme.

- 1) This verse is addressed to people who have full control over themselves or an independent.
- 2) In this verse, Allah commands every person who is unable or has obstacles to get married, to guard and maintain his/herself.
- 3) If someone already can get married, then he is *sunnah* to get married. However, for someone who doesn't have the ability and doesn't meet the requirements for marriage, then he must maintain his chastity as much as possible.
- 4) Word *lâ yajidûna nikâhan* "who cannot afford to marry," according to some scholars what is meant in this verse is something that can be used to marry a woman with a dowry and living cost. So, people

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<sup>11</sup> Abu Abdillah Muhammad Ibn Ahmad al-Anshar al-Qurthubî, *al-Jâmi' li Ahkâm al-Qur'an* Vol 12, Translators (Jakarta: Pustaka Azzam, 2007), 599-603.

who are commanded to look after themselves are those who have limited funds to get married.<sup>12</sup>

c. Q.S. Al-Nûr verse 59

This verse discusses the command to slaves and children who have reached the age of puberty (*bâligh*), so he is required to ask permission at three times, after the morning prayer, when his employer or his parents undress in the middle of the day and after the evening prayer. In this discussion, there is no mention of the age of marriage for a Muslim, but only discusses the guidances to someone who has reached puberty that the law is set according to the law that applies to adults.<sup>13</sup>

d. Q.S. Al-An'âm verse 152

This verse still discusses the assets of orphans generally. However, the word highlighted in this verse is the word *asyudda* means mature. According to al-Qurthubî's perspective, the meaning of maturity here is strong, both physically and intellectually. The word "strong" in this verse is stated absolutely, as is the case in Sûrah al-Nisâ verse 6. The target of the age maturity for marriage must be measured by physical strength and knowledge and intelligence.<sup>14</sup>

e. Q.S. Al-Hajj verse 5

This verse explains the process of human creation, starting from the first process of a drop of semen, then going through several processes until finally they are born, grow into children, then grow up until they die. Then,

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<sup>12</sup> Al-Qurthubî, *al-Jâmi' li Ahkâm al-Qur'an* Vol 12, Translators, 609-611.

<sup>13</sup> Al-Qurthubî, *al-Jâmi' li Ahkâm al-Qur'an* Vol 12, Translators, 331.

<sup>14</sup> Al-Qurthubî, *al-Jâmi' li Ahkâm al-Qur'an* Vol 7, Translators, 332.



the word that will be discussed of this verse is *asyudda* means mature. There is not much different from the previous explanation in Sûrah al-An'âm verse 152, in this verse he also gives a similar interpretation, the meaning of maturity here is the ability and perfection of reason and physical strength. Further more, he didn't give more explanation on the word, he only explained that this discussion had been previously explained in Sûrah al-An'âm verse 152.<sup>15</sup>

f. Q.S. Yûsuf verse 22

In the book interpretations of al-Qurthubî, he explains several explanations and opinions of some scholars about the word *asyudda* in that verse. Al-Qurthubî attached the opinion of Imam Mujahid and Qatadah who explained that the meaning of adulthood here is 33 years old. This is an opinion specifically related to the context of the verse about the story of the Prophet Yusuf who was blessed with knowledge and wisdom when he was an adult around 33 years old.<sup>16</sup>

2. Interpretation of Wahbah al-Zuhailî

a. Q.S. Al-Nisâ verse 6

This verse discusses the issue of orphans' assets. However, what is highlighted is a fragment of a sentence in Sûrah Al-Nisâ verse 6 reads *Hattâ idzâ balaghû al-nikâh* means "until they are old enough to marry". Apart from being an argument for the eligibility limit for determining the right time to hand over the orphan's assets, there is also another issue that is explicitly

<sup>15</sup> Al-Qurthubi, *al-Jâmi' li Ahkâm al-Qur'an* Vol 12, Translators, 31.

<sup>16</sup> Al-Qurthubi, *al-Jâmi' li Ahkâm al-Qur'an* Vol 9, Translators, 364.

discussed in this section of the verse, namely the provision of the legal age limit for a Muslim based on the time of reaching puberty.<sup>17</sup>

In the book of *al-Tafsîr al-Munîr* by Wahbah al-Zuhailî, he provides several interpretation points regarding the word *bâligh* according to his views and several other scholars who are in line with his thoughts.<sup>18</sup> "Reach the age of marriage " in this verse means the age of puberty, the age of a person begins to become a *Mukallaf* and obliged to carry out Islamic sharia law. For men it is generally marked by "dreams" (nocturnal emission) then menstruation for women or when they have reached the age of 15 years according to Imam Syafii. Furthermore, Wahbah al-Zuhailî explained that a person's maturity can be known from five things, three of them can be applied to men and women, while the other two signs are specific to women only. The three signs that exist in men and women are dreams, age, and growth of body hair, while the special signs for women are menstruation and pregnancy. The scholars agree that if a girl has got one of the two special signs, then she has been punished by a *mukallaf*, while for the three signs at the beginning, there are still some differences of opinion. Then in this discussion, Wahbah al-Zuhailî cites the opinion of Imam Syafii that a person who is worthy of marriage understands his rights and responsibilities and wise enough to make decisions.<sup>19</sup>

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<sup>17</sup> Al-Zuhailî, *al-Tafsîr al-Munîr* Vol 2, Translators, 587-588.

<sup>18</sup> Al-Zuhailî, *al-Tafsîr al-Munîr* Vol 2, Translators, 590.

<sup>19</sup> Al-Zuhailî, *al-Tafsîr al-Munîr* Vol 2, Translators, 591-592.

b. Q.S. Al-Nûr verse 32-33

In this verse, there are several things related to marriage. This verses is intended for marriage guardians or employers to marry their children or slaves who are still single and are qualified and able to bear the rights and obligations of marriage. In this verse, marriage guardians and employers are ordered to help their children and slaves in financial matters, they do not prevent and make it difficult for them to marry.<sup>20</sup>

Because of the changing times, the practice of slavery has been eliminated in civilization. So according to Wahbah Al-Zuhailî, This verse is addressed to marriage guardian. According to the majority of scholars, the instruction contained in this verse is *sunnah*, recommendation, or *istihsan*. So, the marriage guardians are not allowed to force a widow to marry if she does not want to. On the other hand, some scholars such as al-Râzî thinks that this instruction is obligatory for everyone who can get married.<sup>21</sup> This refers to a *hadits* narrated by Imam Bukhari and Muslim from Ibn Mas'ud RA

يَا مَعْشَرَ الشَّبَابِ، مَنِ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَزَوَّجْ، فَإِنَّهُ أَعَصَّ لِلْبَصْرِ وَأَخْصَنُ لِلْفَرْجِ، وَمَنْ لَمْ يَسْتَطِعْ

فَعَلَيْهِ بِالصَّوْمِ، فَإِنَّ الصَّوْمَ لَهُ وَجَاءٌ

*Meaning: "O young people, whoever of you can get married, then he should get married, because marriage is more able to hold the gaze and can guarantee more to protect the private parts. As for those who*

<sup>20</sup> Wahbah al-Zuhailî, *al-Tafsîr al-Munîr* Vol 9, Translaters (Jakarta: Gema Insani, 2016), 514.

<sup>21</sup> Al-Zuhailî, *al-Tafsîr al-Munîr* Vol 9, Translaters, 515

*cannot afford it, then let him fast because fasting can be a damper for him.*"<sup>22</sup>

Even though it is explicitly explained that Allah commands marriage guardians to marry their children or women under their guardianship, this does not mean it is permissible for a parent or marriage guardian to marry off their daughter without their permission.

The word *al-shalihîn* in this verse means piety based on *syara'* terminology, namely carrying out all of Allah's commands and avoiding all of His prohibitions. When it translated etymologically, the word means the ability and eligibility of a person to marry and has been able to carry out the rights and obligations of marriage. The reason why the word *al-shalihîn* (*muzakkar* form) is used as a form of *taghlîb*, the meaning contained in the word also includes *mu'annats* (women).<sup>23</sup>

In the next verse, Allah promises to provide sufficiently for married people as long as they try, they will get sustenance from Allah. In the next verse, Allah explains what must be done by those who are unable or do not meet the requirements to get married, by trying optimally to maintain personal purity. Furthermore, Wahbah al-Zuhailî interprets verse 33 as saying that this verse gives an appeal or guidance to people who are unable (both physically and mentally) to get married to protect themselves from things that

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<sup>22</sup> Abû Abdillâh Muhammad bin Isma'îl al-Bukhari, *Shahîh al-Bukhârî* Vol 5 (Beirut: Dar al-Kitab Ilmiyah, 1992), 438

<sup>23</sup> Al-Zuhailî, *al-Tafsîr al-Munîr* Vol 9, Translators, 515.

are forbidden by Allah until Allah gave him sufficiency and ability to marry.<sup>24</sup>

According to some scholars, Sûrah al-Nûr verse 33 is the basis of the argument states that people who do not yet have the ability and readiness to marry should postpone it first accompanied by an attitude of maintaining personal purity. If we return to the previous verse contains an guidance to marry accompanied by a guarantee of the sufficiency of sustenance from Allah, then it seems as if there is a contradiction between these two verses. However, the scholars again explained that the previous verse was addressed to ready people, so they were ordered to carry out marriages. Unlike the case with people who do not have the ability and readiness, then they should postpone marriage. Thus, paragraph 33 limits the generality of the previous paragraph.<sup>25</sup>

c. Q.S. Al-Nûr verse 59

This verse explains the guidance to ask permission for people who have reached the age of puberty when they are about to enter adults phase. The word *al-hulmu* has the meaning of *bâligh*, but in its language, it means a dream, so it is understood that one of the fundamental signs of a person's puberty is characterized by having a “dream” (nocturnal emission), or generally at the age of 15 years.<sup>26</sup>

However, there are differences of opinion among scholars regarding the age of puberty, some argue that the age of puberty for men is 18 years while

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<sup>24</sup> Al-Zuhailî, *al-Tafsîr al-Munîr* Vol 9, Translators, 515.

<sup>25</sup> Al-Zuhailî, *al-Tafsîr al-Munîr* Vol 9, Translators, 517-518.

<sup>26</sup> Al-Zuhailî, *al-Tafsîr al-Munîr* Vol 9, Translators, 573.

for women it is 17 years. In this age range, a person is classified as entering the age of a teenager or adult so that it is certain that he will reach the age of puberty at that age. Generally, women experience faster growth than men, so the age attainment for women is one year younger than for men.<sup>27</sup>

For some other scholars, one of the signs of someone's puberty is the growth of pubic hair. However, some argue that the previous verse, namely verses 58 which reads "and those among you who have not had wet dreams" is an argument that denies that the growth of hair in the pubic area is a sign of someone's puberty if he has not had a wet dream. So thus this verse also negates the statement that the age of 15 years is a sign of someone's puberty.<sup>28</sup>

d. Q.S. Al-An'âm verse 152

This verse also explicitly discusses the property ownership of orphans. In the first part of this verse, it is explained about the prohibition of taking the property of orphans for the person who is entrusted to look after and preserve their property until they grow up. the word *asyuddahu* in the verse has the meaning of adulthood. In this book of *al-Tafsîr al-Munîr*, Wahbah al-Zuhailî only gave a brief explanation regarding the meaning of "adult" in this section of the verse. According to him, the meaning of adulthood here is when a child is grown up (physically normal). Then, he added that the word *asyuddahu* means perfect maturity and knowledge.<sup>29</sup>

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<sup>27</sup> Al-Zuhailî, *al-Tafsîr al-Munîr* Vol 9, Translators, 579.

<sup>28</sup> Al-Zuhailî, *al-Tafsîr al-Munîr* Vol 9, Translators, 580.

<sup>29</sup> Al-Zuhailî, *al-Tafsîr al-Munîr* Vol 6, Translators, 366.

e. Q.S. Al-Hajj verse 5

This verse will also only highlight the word *asyuddakum* in the section of the 5th verse in Sûrah al-Hajj. This verse explains the process or phases of human creation generally, from the initial process of formation then it matures until it finally dies. In interpreting the word, Wahbah al-Zuhailî explained that what is meant by "adult" is physical, intellectual, and mental maturity. Further, he only explained about linguistic elements, the word *asyudda* is the plural form of the word *syiddatun* is a rarely used singular form.<sup>30</sup>

f. Q.S. Yûsuf verse 22

The context of this verse explains the story of Prophet Yusuf's life who was thrown into a well by his brothers until he was finally found by a traveler and sold as a slave. The main meaning contained in this verse is about the advantages and virtues that God bestowed on Prophet Yusuf when he reached adulthood in the form of superior knowledge and wisdom. For the context of this verse, Wahbah al-Zuhailî interprets the word *asyuddahu* with the meaning that his body and mind are perfect.<sup>31</sup>

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<sup>30</sup> Al-Zuhailî, *al-Tafsîr al-Munîr* Vol 9, Translators, 161.

<sup>31</sup> Al-Zuhailî, *al-Tafsîr al-Munîr* Vol 6, Translators, 474.

## CHAPTER V

### COMPARATIVE ANALYSIS ON THE INTERPRETATION OF AL-QURTHUBÎ AND WAHBAH AL-ZUHAILÎ

#### A. The Similarities of Interpretation

The commentators have their characteristics based on their interpretation patterns and background. However, they have certain similarities in their interpretation. So, in the interpretation of al-Qurthubî and Wahbah al-Zuhailî, although they live in far and different times, we can find some points of similarities related to general guidances or more specific.

Regarding the age limits for marriage in the Qur'an mentioned in the previous chapter, we can find some points of similarity in the interpretation of al-Qurthubî and Wahbah al-Zuhailî on judging the worthiness of marriage by physical aspect. In their interpretation, they highlighted the signs of *bâligh* generally comes to men and women. In interpreting Sûrah al-Nisâ` verse 6, they expressed that the benchmarks of *bâligh* seen from several signs. The most known signs are nocturnal emission for men and menstruation for women. These two things are commonly known and used as the basis for judging someone's puberty. A man who has got nocturnal emission and a woman who has got menstruation is considered a teenager and not a child anymore.<sup>1</sup>

Sûrah al-Nisâ` verse 6 does not directly explain the age of marriage because the context of the verse is the guidance to manage the orphan's assets is

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<sup>1</sup> Wahbah Al-Zuhailî, *al-Tafsîr al-Munîr* vol 2, Translaters (Jakarta: Gema Insani, 201), 587-588.



limited in the verse until he is old enough to marry (*balaghû al-nikâh*). Then, this word will be a guide in the explanations to interpreting and determining matters related to eligibility someone to get married.<sup>2</sup>

Al-Qurthubî was influenced and quoted some opinions from other scholars in his interpretation. In his book *al-Jâmi' li Ahkâm al-Qur'an*, he explained that a person had reached a *bâligh* when he was 15 years old. So in the old days, a person who was already 15 years old was punished the same as an adult according to Islamic Law, even he had not got a nocturnal emission yet. He also added some different opinions on the limit age of *bâligh* those who argue 15 years, 17 years, and 19 years, and even scholars who argue that *bâligh* only be signed with nocturnal emission, even though he is 40 years old, if he has not nocturnal emission, then he is not included as a *bâligh*. Then, from the various opinions of these scholars, al-Qurthubî emphasized that he was more inclined to the opinion that a person reaches puberty or *bâligh* when he is 15 years old because he refers to the *hadits* of the Prophet allows a person to join a war when he is 15 years old.<sup>3</sup>

Then, the book *al-Tafsîr al-Munîr* by Wahbah al-Zuhailî included some opinions from scholars who had the same thoughts as him. Some of them think 15 years old, 17 years old, and 18 years old, because of the age range, a person generally enters the puberty period and gets the signs of *bâligh*. Then, there are five signs that someone has puberty: dreams, age, and the growth of pubic hair,

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<sup>2</sup> Wahbah Al-Zuhailî, *al-Tafsîr al-Munîr* vol 2, Translators (Jakarta: Gema Insani, 201), 587-588.

<sup>3</sup> Al-Qurthubî, *Al-Jâmi' Li Ahkâm al-Qur'an* vol 5, Translators (Jakarta: Pustaka Azzam, 2007), 84-87.

and two signs specifically for women are menstruation and pregnancy. Wahbah al-Zuhailî also explained women's growth tends to be faster than men's generally.<sup>4</sup>

The other word indicates *bâligh* is *asyudda* in Sûrah al-An'âm verse 152, Sûrah al-Hajj verse 5, and Sûrah Yûsuf verse 22. The meaning is adult or maturity. Adult in this context has two classifications: physically and intellectually. Physical maturity, according to al-Qurthubî is seen from physical strength. This thought refers to the Prophet's *hadits* regarding the permission to participate in war for someone who has reached 15 years old. This statement indicates that someone who has reached 15 years old is capable and physically strong enough to take part in the war. Then, Wahbah al-Zuhailî's explanation have the similarity with al-Qurthubî's about two types of maturity, physical and intellectual. He explained that physical maturity is when a child has started to physical growth typically and occurs after he has a nocturnal emission<sup>5</sup>.

Physical aspect is closely related to health. In terms of health, specific body organs have reached maturity and used optimally at a certain age. Especially the reproductive system will reach ideal readiness at 20-25 years old for women and 25-30 years old for men. Before that age, couples may able to get married as long as they have reached the age of *bâligh* and has fulfilled other requirements. However, this is very risky and may have bad consequences for health.<sup>6</sup>

Then, al-Qurthubî and Wahbah al-Zuhailî gave similar explanations of the guidance to refrain or postpone the marriage from people who cannot marry. Al-

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<sup>4</sup> Al-Zuhailî, *al-Tafsîr al-Munîr* vol 9, Translators, 579.

<sup>5</sup> Al-Zuhailî, *al-Tafsîr al-Munîr* vol 6, Translators, 366.

<sup>6</sup> Dadan Hawari, *Al-Qur'an, Ilmu Kedokteran Jiwa dan Kesehatan Jiwa* (Jakarta: Dana Bhakti Prima Yasa, 1997), 252.

Qurthubî explained that muslims who cannot marry or do not meet the requirements for marriage are commanded to refrain from terrible things. Specifically, al-Qurthubî explained that people who are commanded to maintain their chastity are those who have limited funds to provide dowry and maintenance for their wife. This explanation is based on the 33rd verse of Sûrah Al-Nûr: *Lâ yajidûna nikâhan* means "unable to marry". So, people who cannot marry because economically or physically are commanded to maintain their chastity.<sup>7</sup>

Wahbah al-Zuhailî gave a similar explanation that commands to refrain from terrible things to maintain purity and honour. He used the term '*iffah*' means the character of keeping himself away from all the forbidden things. People who have not been able to get married should always practice character '*iffah*' until Allah gives them the ability and sufficiency to get married.<sup>8</sup>

Married life is closely related to economic aspects. The Qur'an and the prophet's *hadits* commanded muslims to refrain themselves if they could not marry. Economic ability is an essential factor when someone enters the marriage life. However, many people use economic limitations as a reason to get married quickly without considering other things. So ideally someone should prepare their economy before getting married.<sup>9</sup>

## **B. Differences in the interpretations**

The difference is the focus of the tendencies sign's *bâligh* physically and non-physically. Al-Qurthubî only focused on highlighting physical or natural

<sup>7</sup> Al-Qurthubî, *Al-Jâmi' li Ahkâm al-Qur'an* vol 12, Translators, 609-611.

<sup>8</sup> al-Zuhailî, *al-Tafsîr al-Munîr* vol 9, Translators, 515.

<sup>9</sup> Mulyadi Fadjar, *Pemberdayaan Ekonomi, Stop Pernikahan Dini* (Sleman: Budi Utama, 2012), 32.

signs, while Wahbah al-Zuhailî besides explaining physically signs, he also focuses on highlighting non-physical aspects related to the burdens and responsibilities of the obligation to carry out religious law. According to Wahbah al-Zuhailî, the person who has *bâligh* is considered to have understood and have been able to carry out religious. He also explained the explanation related to this statement in the interpretation of Sûrah al-Nisâ` verse 6, a person who has reached the marriageable age is someone mature in mind, intelligence, knowledgeable and wise enough to make decisions.<sup>10</sup>

In the book of Wahbah al-Zuhailî entitled *al-Fiqh al-Islâmî wa adillatuhu*, he explains several things related to age *bâligh*. In this book, he explains the laws that were applied in Syria at that time. In the Civil Law Article 46/2 states that a person's ability or suitability to marry naturally is when they reach the age of 18 for men and women. The law said:

1. Every person who reaches the age of maturity and has perfect intellectual capacity, and there are no restrictions placed on him, then he has full ability to exercise his civil rights.
2. The age of maturity is 18 years old. While in the Law *Ahwal-Syakhsiyyah* explains the capacity of a young person is 18 years old and for a girl is 17 years old.<sup>11</sup>

The Syrian Law prohibits the marriage of minors by adhering to the opinion of Ibn Syubramah and several other scholars who believe that the marriage of minors is invalid. This is due to concerns about various kinds of

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<sup>10</sup> Al-Zuhailî, *al-Tafsir al-Munir* vol 2, Translators, 593.

<sup>11</sup> Al-Zuhailî, *Fiqh al-Islâmi wa adillatuhu* vol 9, Translators (Jakarta: Gema Insani, 177

dangers and other social conditions. The law is contained in article 15 requires that a marriage is only valid if it is carried out by someone who has *bâligh*.<sup>12</sup> However, this law contains rules allow a *Qadhi* give permission to someone who has reached 15 years old for boys and 13 years old for girls. However, it is required that both of them have stated that they really have *bâligh*. This regulation is enforced to protect young people from deviant acts.<sup>13</sup>

Among the differences appear from the interpretation, Wahbah al-Zuhailî more focused on the possibility of marriage viewed from a non-physical aspect. This is because Wahbah al-Zuhailî live in a more advanced era with more complex problems and the law applied at that time. So the interpretation includes in-depth considerations from legal, social and psychological aspects.

Comparison of the interpretation of al-Qurthubî with Wahbah al-Zuhailî generally can be seen in the table below.

Table 5.1. Comparison of the Interpretations of al-Qurthubî and Wahbah al-Zuhailî

Sentence	Al-Qurthubî	Wahbah al-Zuhailî
الصَّالِحِينَ	<ul style="list-style-type: none"> <li>• They are decent and good people.</li> </ul>	<ul style="list-style-type: none"> <li>• Eligibility or ability to marry, knowing rights and responsibilities.</li> </ul>
بَلَغُوا النِّكَاحَ	<ul style="list-style-type: none"> <li>• Has reached the age to marry based on physical characteristics.</li> <li>• <i>Bâligh</i> (nocturnal emission for men, menstruation for women)</li> </ul>	<ul style="list-style-type: none"> <li>• Have physically matured.</li> <li>• <i>mukallaf</i> (obligated to carry out sharia)</li> </ul>
الْحُلْمَ	<ul style="list-style-type: none"> <li>• Linguistically it means dream</li> <li>• Reaching <i>bâligh</i> age</li> </ul>	<ul style="list-style-type: none"> <li>• Linguistically it means dream</li> <li>• It means that you have</li> </ul>

<sup>12</sup> Al-Zuhailî, *Fiqh al-Islâmi wa adillatuhu* vol 9, Translators, 176.

<sup>13</sup> Al-Zuhailî, *Fiqh al-Islâmi wa adillatuhu* vol 9, Translators, 177.

		attained liberation.
أَشَدَّ	<ul style="list-style-type: none"> <li>• Adults are physically strong (body)</li> <li>• Intellectually mature (knowledge)</li> </ul>	<ul style="list-style-type: none"> <li>• Physically mature</li> <li>• Perfect in knowledge.</li> </ul>

### C. Factors differences in interpretation

#### 1. Era

The definite difference factor in the interpretation of these two figures is that they lived in different times. There is no definite data about al-Qurthubi's birth date. Based on several sources, it is known that al-Qurthubî was born and lived during the reign of the Muwahhidun dynasty centered in West Africa and the reign of the Bani Ahmar in Granada, it is around the 7th century Hijriyah or the 13th century AD.<sup>14</sup> Meanwhile, Wahbah al-Zuhailî was born in 1351 AH or 1932 AD.<sup>15</sup> Even though the changes and developments of the era at that time were not as fast as today, the long span of years has made people's thoughts change. So, it is common that several elements of differences appear in their interpretation.

Al-Qurthubî is known as one of the classical scholars who lived in the 13th century and he studied with several well-known classical scholars such as Ahmad ibn 'Umar Abû al-'Abbâs al-Anshârî and Abû Muhammad 'Abd al-Mu'thî al-Lakhmî and Abû 'Alî al-Hasan ibn Muhammad al-Bakri. Some of al-Qurthubî's thoughts contained in various titles of his books, cannot be separated

<sup>14</sup> Akhmad Bazith, *Studi Metodologi Tafsir* (Solok: Insan Cendekia Mandiri, 2021), 162.

<sup>15</sup> Saiful Amin Ghofur, *Profil Para Mufasssir al-Qur'an* (Yogyakarta: Pustaka Insan Madani, 2008), 174.

from classical elements relevant to that era.<sup>16</sup> Contrastly with Wahbah al-Zuhailî, who lives in the contemporary era with the rapid development of science, we found several differences in the systematics of writing, the style of interpretation, and the contextualization of verses.

According to Muhammad Syahrur, historical facts say that each generation always interprets the Qur'an by highlighting the reality or condition of society at that time and it could show harmony and difference or the development of new understanding.<sup>17</sup> The interpretation of the classical era is still oriented towards textual understanding without contextual balance. Meanwhile, in the contemporary era has been a new methodological reconstruction to analyze the interpretation of the Qur'an.<sup>18</sup>

Al-Qurthubî's interpretation is a monumental work in the classical era was always a reference for muslims at that time. Then, many other works of interpretation were born more recent and relevant to this era. However, this situation does not make the book a classic abandoned at all. The authenticity and scholar treasures of classical scholars are still used and studied and become a reference material for contemporary scholars. The proof is Wahbah al-Zuhailî also used quite a lot of the opinions of classical scholars, including al-Qurthubî, besides using patterns and styles of interpretation that are relevant to the contemporary era. According to Wahbah al-Zuhailî, classical interpretation must

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<sup>16</sup> Muhamad Arja Imroni, *Konstruksi Metodologi Tafsir al-Qurthubî* (Semarang: Walisongo Press, 2010), 84-89.

<sup>17</sup> Ahmad Zaki Mubarak, *Pendekatan Strukturalisme Linguistik Dalam Tafsir al-Qur'an Kontemporer Ala Syahrur* (Yogyakarta: Elsaq Press, 2007), 201.

<sup>18</sup> Wely Dozan, Analisis Pergeseran Shifting Paradigm Penafsiran: Studi Komparatif Tafsir Era Klasik dan Kontemporer, *Jurnal al-Tibyan: Jurnal Ilmu al-Qur'an dan Tafsir*, Vol 5, No 1, June 2020, 39.

be packaged with language that relevant to the contemporary era coupled with consistent methods related to modern sciences currently developing without any deviant interpretations.<sup>19</sup>

## 2. Textual/Contextual Interpretation

Text means discourse. The textual approach in the study of interpretation is an attempt to understand the textual meaning of the verses of the Qur'an. The practice of interpretation more focuses on the text in itself and focuses on grammatical-textual discussion. While the context is the situation on event occurs. If we associate it with a text/script, textual means a situation accompanies the emergence of a text. Meanwhile, contextual terms have quite diverse meanings. Contextual means various attempts to understand meaning in a text, or it can be understood as a meaning tries to see historical relevance in the past, present, and future. For further details, a text tries to seen from its historical point, then looks for functional meaning in the present and tries to predict the relevant meaning in the future.<sup>20</sup>

According to a statement of Abdullah Saeed, textual is an approach that strongly refers to the text of the Qur'an and takes a literal approach. In this approach, it is assumed the meaning of the Qur'an is universal and can be applied forever. Contextual is an approach to understanding the text by referring to and

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<sup>19</sup> Wildan Hidayat, Modernitas Penafsiran al-Qur'an (Metodologi *al-Tafsîr al-Munîr* Karya Wahbah al-Zuhaili), *Cross-border*, Vol 6, No 1, January-June 2023, 286.

<sup>20</sup> M. Solahuddin, "Pendekatan Tekstual dan Kontekstual dalam Penafsiran al-Qur'an" dalam *Jurnal Al-Bayan: Jurnal Studi Al-Qur'an dan Tafsir*, Vol 1, No 2, December 2016, 116-117.



emphasizing the social and historical conditions at the time when the Qur'an was revealed and at the time when the verse was interpreted.<sup>21</sup>

While, interpretation of Wahbah al-Zuhailî more inclined to contextualize the verse. In interpreting some verses related to the *bâligh*, he does not only emphasized the physical aspects, but he explained how important the non-physical aspects are in marriage requirements. He explained that maturity of mind and knowledge, as well as awareness of obligations and responsibilities in marriage have a significant influence on married life. This was explained by Wahbah al-Zuhailî when interpreting Sûrah al-Nisâ` verse 6 in the verse *balaghû al-nikâh*. This is in line with the survey from the psychological aspect emphasizing the aspect of mind and emotional maturity. In other verses, such as Sûrah al-Hajj verse 5 and Sûrah Yûsuf verse 22, Wahbah al-Zuhailî and al-Qurthubî touched on physical and psychological maturity but not in detail. In contrast, when interpreting Sûrah al-Nisâ` verse 6 and Sûrah al-Nûr verse 32, al-Qurthubî hardly touched on and discussed non-physical aspects, he only showed the characteristics indicate that someone has qualified to marry with those signs. While, Wahbah al-Zuhailî has explained the aspect of intellectual maturity and knowledge about the responsibilities of marriage.

Another thing influenced Wahbah al-Zuhailî's interpretation was that he considered the laws aspects and regulations applied at that time. The law explained that a person who said to be eligible and allowed to marry is someone

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<sup>21</sup> Abdullah Saeed, *Interpreting The Qur'an: Towards a Contemporary Approach* (New York: Routledge, 2006), 3.

who has reached the age of 18 for men and 17 for women.<sup>22</sup> So we can see from some of the explanations above that Wahbah al-Zuhailî tries to contextualize the interpretation of the verses about the age *bâligh* with the social conditions at the time when the verse was revealed and even more the social conditions at the time he interpreted the verse.

If we look at developments in the current era, the relevance of the interpretation about the marriageable age in the Qur'an has been applied quite widely, even though practically there are still marriages categorized as underage. Knowing how the Qur'an regulates the marriageable age and what guidance must be observed before marriage, it proves that the content of the Qur'an is very broad and deep to all aspects of human life, it has been regulated in the Qur'an even relevant to current developments.

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<sup>22</sup> Al-Zuhailî, *Fiqh al-Islâmi wa 'adillatuhu* vol 9, Translaters, 177.