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Critical Criticism of the Interpretation of Usury by Al-Jashshash in Tafsir Ahkam al-Qur'an

Kritik Kritis Terhadap Penafsiran Riba oleh Al-Jashshash dalam Tafsir Ahkam al-Qur'an

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Abstract

Tafsir Ahkam Al-Qur'an by Al-Jashshash is an important reference in understanding the laws related to usury in the Qur'an. Al-Jashshash, a 4th century Hanafi scholar, focuses on the interpretation of Qur'anic verses related to law, especially usury. This research aims to critically analyze Al-Jashshash' interpretation, including the arguments and proofs he used, and evaluate the criticisms by using a qualitative method with a literature study. In addition, this study also examines the relevance of Al-Jashshash' interpretation in the context of modern economics, especially regarding the concept of 'required addition' in the definition of usury, which emphasizes exploitation and injustice in financial transactions, and its implications for current Islamic financial practices. The results of this study show that his interpretation has been criticized, especially regarding methodological inconsistencies, fanaticism towards the Hanafi

school, and inaccuracy of interpretation in several cases, especially the concept of 'required addition' in defining usury which has been debated, especially in the context of modern economics.

Keywords: *Al-Jashshash; Critique of Interpretation; Islamic Economics; Tafsir of the Rules of the Qur'an; Usury.*

Abstrak

Tafsir Ahkam Al-Qur'an karya Al-Jashshash merupakan rujukan penting dalam memahami hukum-hukum terkait riba dalam Al-Qur'an. Al-Jashshash, ulama mazhab Hanafi abad ke-4 Hijriah, fokus pada penafsiran ayat-ayat Al-Qur'an yang berkaitan dengan hukum, terutama riba. Penelitian ini bertujuan untuk menganalisis secara kritis penafsiran Al-Jashshash, termasuk argumen dan dalil yang digunakannya, serta mengevaluasi kritik-kritik tersebut dengan menggunakan metode kualitatif dengan studi kepustakaan. Selain itu, penelitian ini juga mengkaji relevansi penafsiran Al-Jashshash dalam konteks ekonomi modern, terutama terkait konsep 'tambahan yang disyaratkan' dalam definisi riba, yang menekankan pada eksploitasi dan ketidakadilan dalam transaksi keuangan, serta implikasinya terhadap praktik keuangan Islam saat ini. Hasil penelitian ini menunjukkan bahwa penafsirannya menuai kritik, terutama terkait inkonsistensi metodologis, fanatisme terhadap mazhab Hanafi, serta ketidaktepatan penafsiran dalam beberapa kasus, terutama konsep 'tambahan yang disyaratkan' dalam mendefinisikan riba yang menuai perdebatan, terlebih dalam konteks ekonomi modern.

Kata Kunci: *Al-Jashshash; Ekonomi Islam; Kritik terhadap Tafsir; Riba; Tafsir atas Aturan-aturan Al-Qur'an.*

A. Introduction

Riba is one of the most controversial concepts in Islamic law, with various interpretations developing among scholars from classical to modern times. The different understandings of usury affect its application in the contemporary financial context.¹ In the

¹ M Z Siddique and M M Ahmad, "Demystifying Ribā through the Methodology of Muslim Jurists," *Islamic Studies* 58, no. 2 (2019): 169–203, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85089731201&partnerID=40&md5=4f16288ab9116be1bad4b0aec685ff5e>.

digital age, the issue of usury remains relevant, especially in the development of modern financial products such as cryptocurrencies, which shows the importance of paying attention to Islamic principles related to usury.² Moreover, the prohibition of usury in the Qur'an is often based on moral and ethical values, which go beyond the economic aspects of usury.³ Therefore, criticism of the interpretation of usury by Al-Jashshash is very important in understanding the dynamics of Islamic law related to usury.

Scholarly studies of Qur'anic verses related to usury as well as Prophetic traditions that explain the practice of usury in the Jahiliyyah period have produced diverse understandings. Before Al-Jashshash, usury was generally understood as an exploitative practice that occurred when a debtor was unable to repay his debt at the appointed time. In this situation, the creditor offers an extension of time on the condition of an additional amount of debt, which is considered a form of injustice. Prominent scholars such as Imam Malik, Imam Shafi'i, and al-Tabari defined usury in this context without any 'required excess' at the beginning of the transaction. Riba is better understood as an addition that arises from the debtor's inability to fulfill his obligations.⁴

This view is also in line with the Prophet Muhammad's hadith narrated by Usamah bin Zaid, which states that usury only occurs in nasi'ah (delay).⁵ This hadith indicates that usury does not occur in cash transactions, but rather in transactions that involve delayed payment. However, there were differences of opinion among the Companions, such as Ibn Abbas, who initially argued

² N Muhammad and S F S Alwi, "The Existence of Riba in The Products of Cryptocurrency Exchange Companies," *Global Journal Al-Thaqafah* JULY2024, no. SPECIALISSUE (2024): 34–47, <https://doi.org/10.7187/GJATSI072024-3>.

³ M M Iqbal and A Shah, "A Probable Reason for Qur'anic Prohibition of Ribā: Dissimilarity of Price and Interest Rate as Equilibrating Variables," *Islamic Studies* 63, no. 2 (2024), <https://doi.org/10.52541/isiri.v63i2.2847>.

⁴ Syaikh Muhammad Ali Ashobuni, *Riwa'i Ulbayan Tafsir Ayat Al Ahkam Minal Quran* (Makkah Al Mukaramah: Der Alkutub Alislaniyah, 1999), page 271.

⁵ Itsnaini Chusnul Khotimah, "Larangan Riba Ditinjau Dari Tafsir Ayat Ahkam Surat Al-Baqarah Ayat 275-281," *Al-Iqtishad: Jurnal Ekonomi Syariah* 3, no. 02 (2022): page 45.

that usury only occurs in nasi'ah, but later also included the unequal exchange of goods (riba al-fadl) as usury.⁶

Al-Jashshash, a prominent 4th century Hijri scholar, in his tafsir, *Ahkam Al-Qur'an*, gives a different view of usury. He defines usury as “the addition required” in a loan transaction.⁷ This view differs from the understanding of previous scholars who did not emphasize the existence of additional agreements at the beginning of the transaction, but rather the exploitation that occurs due to delays in payment. This difference in view raises questions about the relevance of Al-Jashshash' interpretation, especially in the context of modern economics where financial instruments such as bank interest have become commonplace.⁸

This study aims to critically analyze Al-Jashshash' interpretation of usury in *Tafsir Ahkam Al-Qur'an*. This analysis will include the identification and detailed explanation of Al-Jashshash' views on usury, including the arguments and proofs he uses. In addition, this study will also evaluate the criticisms of Al-Jashshash' interpretation, both from a methodological and substantial point of view. Thus, this research is expected to contribute to enriching the discourse on usury in Islam and its relevance in the contemporary context.

Research related to criticism of Al-Jashshash is still rarely studied, as for research similar to this research including that written by Adudin Alijaya, “Peta Al-Jashshash Dalam Kajian Tafsir Fiqhy (Analisis terhadap Kitab Ahkam Al-Qur'an)”, in his research states that the attitude of ta'ashub towards the Maliki madzhab is only a coincidence, because he has a background and biography and politics in Baghdad where the government at that time adhered to the Hanafi madzhab.⁹ The research entitled “*Ahkam Al-Qur'an Karya Al-Jashshash (Corak dan Mahzab Tafsir Klasik)*” written by Ahmad Fadhil Ali, in his research states that

⁶ Khotimah, page 45.

⁷ Khotimah, page 45.

⁸ Muhammad Syafi'i Antonio, *Bank Syariah: Dari Teori Ke Praktik* (Gema Insani, 2001), page 44.

⁹ Adudin Alijaya, “Peta Al-Jashshash Dalam Kajian Tafsir Fiqhy (Analisis terhadap Kitab Ahkam Al-Qur'an)”, *Al-Kainah: Journal of Islamic Studies*, Vol. 1, No. 2, 2022. <https://doi.org/10.69698/jis.v1i2.12>

Al-Jashshash who followed Imam Hanafi made him a reason-based thinker so that it affected what he interpreted in his book which was characterized by fiqh. He also included legal explanations and determined his tarjih based on the teachings of the Hanafi madhhab so that he was too fanatical about the Hanafi madhhab.¹⁰ As related to usury, such as research written by Shonhaji Shonhaji with the theme “*Penafsiran Ayat-Ayat Riba Dalam Tinjauan Tahapan-Tahapan Turunnya*”, in his research explains the stages of the prohibition of usury, starting from the verse that explains the meaning of usury to the prohibition of all humans.¹¹ Research written by Gita Swara Ramadhan, “*Analisis Ayat Al-Qur’an Mengenai Riba Pinjaman Online: Perspektif Tafsir Al-Misbah Karya Quraish Shihab*”, this study underlines that through Quraish Shihab's interpretation of usury verses that the Credivo application uses a usury system if the time period and nominal are large, but it is not usurious if the period is 30 days or one month because it does not get an interest rate.¹² From the existing research, no one has discussed the criticism of Al-Jashshash on his tafsir work.

This research is qualitative in nature, using the library research method to collect data from various sources, including the book Tafsir Ahkam Al-Qur'an by Al-Jashshash, the works of other scholars relevant to the topic of usury, as well as previous studies on Al-Jashshash' interpretation. Data analysis is carried out with a reconstructive-evaluative approach, namely by reconstructing Al-Jashshash' arguments and criticisms of them, then evaluating the validity and relevance of these arguments in the context of modern understanding of usury.¹³

¹⁰ Ahmad Fadhil Ali, *Ahkam Al-Qur’an Karya Al-Jashshash (Corak dan Mahzab Tafsir Klasik)*”, Jurnal Pendidikan Tambusai, Volume 7 Nomor 3 Tahun 2023. <https://jptam.org/index.php/jptam/issue/view/27>

¹¹ Shonhaji Shonhaji, “*Penafsiran Ayat-Ayat Riba Dalam Tinjauan Tahapan-Tahapan Turunnya*”, SAFWAH, Jurnal Ilmu Al-Qur’an Dan Tafsir, Vol. 1, No. 2, 2023. <https://ejournal.stiuda.ac.id/index.php/safwah/article/view/189>

¹² Gita Swara Ramadhan, “*Analisis Ayat Al-Qur’an Mengenai Riba Pinjaman Online: Perspektif Tafsir Al-Misbah Karya Quraish Shihab*”, MERDEKA: Jurnal Ilmiah Multidisiplin, Vol. 1, No. 4, 2024. <https://doi.org/10.62017/merdeka.v1i4.1173>

¹³ Farida Nur Afifah, “*Fanaticism of Madzhab in Interpretation: Study of The Book of Ahkam Al-Qur’an By Al-Jasṣas,*” Jurnal Ushuluddin 28, no. 2 (2020): page 181.

B. Biography of al-Jashshash

Abu Bakr Ahmad ibn 'Aliy Razy al-Jashshash, better known as al-Jashshash, was born in 305 AH in the city of Rayy, Persia (Iran).¹⁴ His nickname, al-Jashshash, refers to his occupation as a paint maker or seller.¹⁵ He was known as a zuhud, wara', and was a prominent scholar of the Hanafi madhhab.¹⁶ Al-Jashshash died on Sunday, the 7th of Dhul Hijjah in 370 AH (or 376 AH according to some sources) in Baghdad.¹⁷

His lifetime coincided with a period of rapid scientific development, and he took advantage of this opportunity to explore various fields of knowledge, both general and religious sciences.¹⁸ In the course of his education, he studied in various famous cities of his day and tutored many prominent scholars, including Abu Sahal al-Zujaj (fiqh), Abu al-Hasan al-Karkhi (zuhud), Abu Ali al-Farisy and Abu Amr Ghulam Tsa'lab (linguistics), and al-Hakim al-Naysaburi (hadith).¹⁹

Al-Jashshash is known for his praiseworthy traits, such as forgiveness, wara', and zuhud.²⁰ He prioritized self-development through worship and refused the offer of the position of Supreme Judge (Qadhi al-Qudha) to focus on knowledge and devotion to Allah.²¹

In addition to teaching, al-Jashshash was also an active writer. His most famous work is the commentary Ahkam Al-Qur'an, which is considered one of the most important fiqh books,

¹⁴ Abu al-Fadl Al-Qadhi, *Tarikh Baghdad* (Kairo: Dar al-Kutub al-Misriyyah, 1999), page 25.

¹⁵ Abu Bakr Al-Khatib al-Baghdadi, *Tarikh Baghdad*, 2nd ed. (Kairo: Dar al-Kutub al-'Ilmiyyah, 1997), page 315.

¹⁶ Muhammad ibn Ahmad Al-Dhahabi, *Siyar A'lam Al-Nubala'* (Beirut: Mu'assasah al-Risalah, 1986), page 396.

¹⁷ Khayruddin Al-Zirikli, *Al-A'lam* (Beirut: Dar al-'Ilm li al-Malayin, 2002), page 288

¹⁸ Carl Brockelmann, *Geschichte Der Arabischen Litteratur*, vol. 1 (Рипол Классик, 1937), page 190.

¹⁹ Al-Zirikli, *Al-A'lam*, page 288.

²⁰ Al-Dhahabi, *Siyar A'lam Al-Nubala'*, page 277.

²¹ Ismail Ibn Kathir, *Al-Bidayah Wa Al-Nihayah* (Beirut: Dar al-Fikr, 1988), page 125.

especially for followers of the Hanafi school.²² He had many students who became experts in their fields, including Abu 'Abdillah Muhammad bin Yahya al-Jurjani al-Hanafi, Abu Hasan Muhammad bin Ahmad al-Za'farani, Abu Ahmad bin Musa al-Khawarizmi, Ahmad ibn Muhammad ibn 'Amr, Abu Ja'far Muhammad bin Ahmad an-Nasafi, and Abu al-Hasan bin Muhammad bin Ahmad bin al-Thayyib al-Ka'ary.²³

C. Profile of Ahkam Al-Qur'an

Abu Bakar al-Jashshash's Ahkam Al-Qur'an is a book of tafsir that focuses on Qur'anic verses related to the law (ahkam).²⁴ This book is highly regarded, especially among followers of the Hanafi school, as it is considered one of the main sources for understanding Islamic law based on the Qur'an.²⁵ Al-Jashshash, as a leading scholar of the Hanafi school, compiled this book with a systematic and comprehensive approach, discussing various legal topics such as worship, muamalah, jinayat, and others.²⁶

The Book of Ahkam Al-Qur'an is organized using the tahlili method, which discusses the verses of the Qur'an in sequence based on the order of the Mushaf.²⁷ Al-Jashshash not only explains the literal meaning of the verses, but also explores their legal implications based on Hanafi fiqh principles.²⁸ He also often quotes the opinions of other scholars, both those who agree and those who disagree, to provide a broader picture of the legal interpretation of a verse.²⁹ In addition, al-Jashshash also pays attention to linguistic aspects (nahwu and sharaf) in his interpretation, as well as using

²² Abu Bakr Ahmad Al-Jashshash, *Ahkam Al-Qur'an* (Beirut: Dar al-Kutub al-'Ilmiyyah, 1998), page 10.

²³ Al-Dhahabi, *Siyar A'lam Al-Nubala'*, page 392.

²⁴ Al-Jashshash, *Ahkam Al-Qur'an*, page 125.

²⁵ Abu Bakr Al-Qaffal al-Shashi, *Mahasin Al-Ta'wil* (Beirut: Dar Ihya' al-Turath al-'Arabi, 1997), page 56.

²⁶ Al-Dhahabi, *Siyar A'lam Al-Nubala'*, page 391.

²⁷ Jalaluddin Al-Suyuti, *Al-Itqan Fi Ulum Al-Qur'an* (Bairut: Dar al-Fikr, 1992), page 215.

²⁸ Al-Jashshash, *Ahkam Al-Qur'an*, page 255.

²⁹ Al-Qaffal al-Shashi, *Mahasin Al-Ta'wil*, page 62.

history (hadith) and *atsar* (sayings of companions) to support his arguments.³⁰

Ahkam Al-Qur'an has an important role in the development of the science of tafsir and fiqh. This book is the main reference for scholars and students in understanding Islamic laws derived from the Qur'an.³¹ In addition, this book also makes a significant contribution in enriching the intellectual treasures of Islam, especially in the fields of law and tafsir.³² Despite some criticisms of al-Jashshash's methodology and interpretations, Ahkam Al-Qur'an is still recognized as a monumental work that has had a major influence on the development of Islamic law.³³

D. Al-Jashshash's Interpretation of Usury

Al-Jashshash defines usury as the extra that the lender takes from the borrower in return for the deferral of payment.³⁴ He argues that *riba* is a *shar'i* term whose meaning needs to be explained through the *sunnah* because the Qur'an does not provide a clear definition.³⁵

Al-Jashshash divides usury into several categories:

1. *Riba al-nasi'ah*, which is usury that occurs due to the delay in debt repayment with an additional.³⁶ He likened this usury to the practice of usury in the *Jahiliyyah*, where the lender would ask for extra if the borrower could not pay on the due date.³⁷ Al-Jashshash cites the Qur'anic verse 3:130, which forbids double usury, as the basis for forbidding usury *al-nasi'ah*.³⁸
2. *Riba al-fadl*, which is usury that occurs in the exchange of similar goods with different amounts or measures.³⁹ Al-Jashshash is of the opinion that the excess in such exchanges

³⁰ Al-Jashshash, *Ahkam Al-Qur'an*.

³¹ Al-Qaffal al-Shashi, *Mahasin Al-Ta'wil*, page 62.

³² Al-Zirikli, *Al-A'lam*, page 288.

³³ Al-Suyuti, *Al-Itqan Fi Ulum Al-Qur'an*, page 216.

³⁴ Al-Jashshash, *Ahkam Al-Qur'an*, page 125.

³⁵ Al-Jashshash, page 126.

³⁶ Al-Jashshash, page 130.

³⁷ Al-Jashshash, page 130.

³⁸ Al-Jashshash, page 132.

³⁹ Al-Jashshash, page 135.

is usury. He bases his view on the Prophet's hadith that forbids the exchange of gold for gold, silver for silver, wheat for wheat, and so on, unless it is done in cash and for the same amount.⁴⁰

3. Usury in Debt and Credit. Al-Jashshash also discussed usury in the context of debts and credits. He prohibits the practice of replacing debts with new debts of a larger amount, as it is considered usury.⁴¹ He also forbids the repayment of debts at an amount lower than the amount borrowed, even if done before maturity.⁴²
4. Riba in Sales. Al-Jashshash considers the purchase of goods at a lower price before payment is made to be usury.⁴³ He based his view on the hadith narrated by Yunus ibn Ishaq from his father, in which Aisha considered the practice to be usury.⁴⁴
5. Preferences in Transactions. Al-Jashshash argues that certain preferences or distinctions in transactions can also be a form of usury.⁴⁵ He referred to the traditions of the Prophet Muhammad that mention six types of goods (gold, silver, wheat, sha'ir, dates, and salt) and women, which should not be exchanged except in cash and for the same amount.⁴⁶

Al-Jashshash used various arguments, both from the Qur'an and hadith, to support his views on usury. He also frequently refers to the opinions of other scholars, especially from the Hanafi school, to strengthen his arguments.⁴⁷ However, his interpretations are often considered inconsistent and sometimes deviate from the context of the verse being discussed.⁴⁸ In addition, Al-Jashshash' fanaticism towards the Hanafi school of thought also influenced his interpretation, so that he seemed to force the Qur'anic verses to conform to the views of his school of thought.⁴⁹

⁴⁰ Al-Jashshash, page 135.

⁴¹ Al-Jashshash, page 140.

⁴² Al-Jashshash, page 142.

⁴³ Al-Jashshash, page 142.

⁴⁴ Al-Jashshash, page 142.

⁴⁵ Al-Jashshash, page 148.

⁴⁶ Al-Jashshash, page 148.

⁴⁷ Al-Qaffal al-Shashi, *Mahasin Al-Ta'wil*, page 115.

⁴⁸ Al-Suyuti, *Al-Itqan Fi Ulum Al-Qur'an*, page 230.

⁴⁹ Fakhr al-Din Al-Razi, "*Tafsir Al-Fakhr Al-Razi Al-Mushtahar Bi Al-Tafsir Al-Kabir Wa Mafatih Al-Ghayb*" (Beirut: D'Er al-Fikr, 2005), page 315.

E. Riba pre al-Jashshash

Riba pre al-Jashshash, as explained by various classical scholars, refers to the pre-Islamic practice of usury where a person's debt was increased if it was not paid on time. This practice, called riba al-jāhiliyyah, often involved extending the time of payment by increasing the amount of an existing debt. For example, if a debtor was unable to repay his debt at the stipulated time, the creditor would increase the amount due, doubling or even tripling the debt each time payment was delayed. This leads to exploitation that is very burdensome for the debtor.⁵⁰

Imam Malik (d. 179 A.H.), Imam Shafi'i (d. 204 A.H.), and Ibn Hanbal (d. 241 A.H.) all described riba al-jāhiliyyah with an emphasis on those forms of transactions in which the creditor granted the debtor additional time in return for an increase in the amount owed. Al-Tabari (d. 310 AH) also explains that in pre-Islamic times, the Arabs would increase the amount of the debt whenever payment was delayed, and this is a form of usury that is clearly mentioned in the Qur'an. Therefore, usury at that time was not only considered an unfair act but was also condemned for exploiting debtors who had difficulty paying their debts on time.⁵¹

Scholars such as al-Baghawi (d. 510 AH), Ibn al-Arabi (d. 543 AH), Zamakhshari (d. 549 AH), al-Baydawi (d. 691 AH), and Jalaluddin Suyuti (d. 911 AH) all agree that riba al-jāhiliyyah is a form of exploitation that involves increasing the amount of debt for late payment. This is consistent with the prohibition of riba in the Qur'an, especially in the context of transactions that double and triple the amount of debt. These scholars found no specific "prescribed excess" in the form of usury at that time, which explains why usury was considered a serious form of injustice in Islamic law.⁵²

⁵⁰ Abdullah Saeed, *Islamic Banking and Interest: A Study of the Prohibition of Riba and Its Contemporary Interpretation* (New York, 1996).

⁵¹ Mohammad Omar Farooq, "Stipulation of Excess in Understanding and Misunderstanding Riba: The Al-Jassas Link," *Arab Law Quarterly* 21, no. 4 (2007): page. 285–316, <https://doi.org/10.1163/026805507X247563>.
<https://doi.org/10.1163/026805507X247563>.

⁵² Saeed, *Islamic Banking and Interest: A Study of the Prohibition of Riba and Its Contemporary Interpretation*.

Based on the above, an understanding of *riba al-jāhiliyyah* in the pre-Jassas period clearly shows that the practice was a form of exploitation of debtors who had difficulty repaying their debts. Classical scholars from various periods consistently described this usury as an unfair and oppressive transaction, focusing on the multiplication of debts due to late payment. The prohibition of usury in the Qur'an is not only to protect the interests of the weak, but also to maintain overall economic justice. This understanding then becomes the foundation for the development of usury law in Islam which emphasizes the importance of avoiding all forms of exploitation in financial transactions.

F. Criticism of al-Jashshash' Interpretation

Al-Jashshash' interpretation of usury in *Tafsir Ahkam Al-Qur'an*, although comprehensive, did not escape criticism from various scholars and scholars. These criticisms highlight several aspects, both in terms of methodology and the substance of the interpretation.

1. Methodological Inconsistency

One of the main criticisms is Al-Jashshash' inconsistency in the use of interpretative methods.⁵³ Although he claimed to use the *bil ma'tsur* method (based on history), in practice, he often used *bil ra'yi* (rational approach) and *qiyas* (analogy) to reach the desired legal conclusion.⁵⁴ This can be seen, for example, in his interpretation of the verse on wills (QS. Al-Baqarah: 180). Al-Jashshash uses *qiyas* to conclude that bequeathing to parents and close relatives is obligatory, even though the verse does not explicitly state this.⁵⁵

2. Mazhab Fanaticism

Another criticism that is often raised is Al-Jashshash' fanaticism towards the Hanafi madhhab.⁵⁶ He tends to force the interpretation of Qur'anic verses to conform to the views of his school, even if he has to ignore the opinions of other scholars or

⁵³ Al-Suyuti, *Al-Itqan Fi Ulum Al-Qur'an*, page 216.

⁵⁴ Al-Qaffal al-Shashi, *Mahasin Al-Ta'wil*, page 62.

⁵⁵ Al-Jashshash, *Ahkam Al-Qur'an*, page 145.

⁵⁶ Al-Dhahabi, *Siyar A'lam Al-Nubala'*, page 392.

interpret verses out of context.⁵⁷ This can be seen in his interpretation of the verse on marriage with women of the Book (QS. Al-Maidah: 5). Al-Jashshash allows the marriage, despite the difference of opinion among scholars, and he uses arguments that seem forced to support the Hanafi view.⁵⁸

3. Inaccuracy of Interpretation

Some of Al-Jashshash' interpretations are considered inaccurate and out of the context of the verse discussed.⁵⁹ For example, in interpreting the story of the Prophet Yusuf and Zulaikha (QS. Yusuf: 26), Al-Jashshash relates it to the law of finding treasure, even though the verse does not discuss this issue.⁶⁰ This shows that Al-Jashshash sometimes focuses too much on the legal aspects, neglecting the contextual meaning of the Qur'anic verses.

4. Prescribed Excess

Scholars before Al-Jashshash, such as Imam Malik, Imam Shafi'i, and al-Tabari, did not mention the existence of a 'requisite excess' in the definition of usury.⁶¹ They emphasize the exploitation and injustice that occurs due to usury, not the additional agreement at the beginning of the transaction.

Al-Jassas (d. 370 AH), a Hanafi scholar, prohibited all forms of riba without exception. He argued that the characteristic of compounding (*adh'āfan mudhā'afah*) mentioned in QS. Ali Imran [3]:130 was not intended as a condition for the prohibition of riba. With the revelation of QS. Al-Baqarah [2]:275-279, he maintained that the ruling on riba, in all its forms, became unequivocally prohibited.⁶²

The criticisms of Al-Jashshash' interpretation have their strengths and weaknesses. The critique of methodological inconsistency and school fanaticism has a strong basis, as it can be

⁵⁷ Al-Razi, "*Tafsir Al-Fakhr Al-Razi Al-Mushtahar Bi Al-Tafsir Al-Kabir Wa Mafatih Al-Ghayb*," page 315.

⁵⁸ Al-Jashshash, *Ahkam Al-Qur'an*, page 148.

⁵⁹ Al-Qaffal al-Shashi, *Mahasin Al-Ta'wil*, page 115.

⁶⁰ Al-Jashshash, *Ahkam Al-Qur'an*, page 125.

⁶¹ Farooq, "Stipulation of Excess in Understanding and Misunderstanding Riba: The Al-Jassas Link."

⁶² Al-Jashshash, *Ahkam Al-Qur'an*, page 37.

proven by looking at Al-Jashshash' interpretation as a whole. Criticism about the inaccuracy of the interpretation also has validity, especially when viewed from the point of view of the historical and linguistic context.

However, the criticism regarding the concept of 'requisite excess' needs to be examined further. Although Al-Jashshash' view is different from previous scholars, it does not mean that his view is wrong. It could be that Al-Jashshash has strong bases and arguments to support his views, although they are not explicitly explained in his tafsir.

Al-Shabuni supports this view with three arguments: compounding is not a condition for prohibition, the consensus of scholars (*ijma*) declares *riba* in all forms to be prohibited, and the final verses on *riba* make no distinction between small and large amounts. Even a small amount can grow into a significant sum, necessitating preventive measures (*sadd al-dzarā' i*).⁶³

Overall, the criticisms of Al-Jashshash' interpretation of usury make an important contribution in enriching the discourse on usury in Islam. These critiques encourage us to be more critical in understanding and interpreting Qur'anic verses, as well as considering various perspectives in formulating Islamic law that is relevant to the context of the times.

In the context of banking, there are two main perspectives. The first considers bank interest that is not "compounded" as not constituting *riba*. Conversely, the second categorizes all forms of interest as *riba*, advocating for the establishment of Islamic banking systems as a solution.

The author argues that *adh'ā fan mudhā 'afah* describes the *riba* practices of the Jahiliyyah period, inherently characterized by exploitation. Therefore, monetary interest, even in small amounts, that has the potential to compound falls under the category of *riba*, especially in conventional banking systems that often burden borrowers with high initial interest rates.

⁶³ Muhammad Ali al-Shabuni, *Rawā'ī, al-Bayān Tafsīr Ayāt al-Ahkām min al-Qur'ān*, (Beirut: Dār al-Fikr, t.t.), page 391-393

G. Relevance of Al-Jashshash' Interpretation in Contemporary Contexts

Al-Jashshash' interpretation of usury in his monumental work, *Ahkam Al-Qur'an*, has been an important reference for scholars and practitioners of Islamic economics for centuries.⁶⁴ However, along with the times and significant socio-economic changes, the relevance of these interpretations in the context of modern economics and finance is an interesting debate and requires critical study.⁶⁵

One of the main issues highlighted is the concept of "prescribed excess" in the definition of usury proposed by Al-Jashshash.⁶⁶ The concept of "stipulated excess" (*ziyadah al-mashrut*) proposed by al-Jassas serves as a significant foundation in defining *riba*, yet it requires critical evaluation. First, al-Jassas associates *riba* with verse 30:39 (Makkiyah) without basing his explanation on the Sunnah or explicit prohibition verses, such as 2:275. This raises questions about the accuracy of his interpretation. Second, he does not clearly distinguish between voluntary excess and exploitative excess, as described in the Prophet's hadiths. Third, his methodology, which inadequately references established hadith collections, undermines the validity of his interpretation in the modern context. While influential, this concept needs to be reexamined to align with the principles of justice in Islamic finance.⁶⁷ Therefore, a thorough reevaluation of al-Jassas's concept is essential to ensure its alignment with the contemporary demands of Islamic finance and its adherence to the overarching principles of fairness and equity in Sharia.

In the complex context of the modern economy, where financial instruments such as bank interest have become commonplace, the rigid application of the concept of 'required additionality' can be problematic.⁶⁸ Al-Jashshash does not

⁶⁴ Al-Jashshash, *Ahkam Al-Qur'an*, page 150.

⁶⁵ Al-Qaffal al-Shashi, *Mahasin Al-Ta'wil*, page 135.

⁶⁶ Al-Jashshash, *Ahkam Al-Qur'an*, page 151.

⁶⁷Farooq, "Stipulation of Excess in Understanding and Misunderstanding *Riba*: The Al-Jassas Link."

⁶⁸ Nur Syahirah Mohammad Nasir and Muhammad Shahrul Ifwat Ishak, "Replacing Conventional Finance with Islamic: A Wisdom from the Qur'an,"

explicitly address how interest charged due to inflation or risk should be treated within the framework of Islamic law. Is such interest considered usury or not? This question is particularly relevant given that inflation and risk are unavoidable factors in the modern economy.

In addition, technological developments and financial innovations have also created new financial instruments that were not known at the time of Al-Jashshash. Examples are derivative products, Islamic bonds, or even cryptocurrencies. How can the classical interpretation of *riba* be applied to these instruments? Can the principles of justice and the prohibition of exploitation that underlie the prohibition of usury be effectively applied in this context? These questions suggest that Al-Jashshash' interpretation needs to be developed and adapted to the dynamics of the modern economy.⁶⁹

Therefore, the relevance of Al-Jashshash' interpretation in the contemporary context needs to be critically re-examined. It is important to develop a more comprehensive understanding of usury, which is not only fixated on the concept of 'required addition', but also takes into account the principles of justice, the prohibition of exploitation, and the shariah's goal of creating an economic system that is fair and beneficial to all.⁷⁰ This more comprehensive understanding will enable scholars and practitioners of Islamic economics to formulate more appropriate and relevant solutions in the face of modern economic challenges.

The practical implication of Al-Jashshash' interpretation in current Islamic finance practice is the need for flexibility and openness in formulating financial products and services. Islamic financial institutions should not rely solely on the narrow concept of 'required addition', but should consider various perspectives and approaches in understanding usury.⁷¹ They need to develop financial instruments that are not only compliant with sharia

International Journal of Academic Research in Business and Social Sciences 11, no. 11 (2021): page 12.

⁶⁹ Al-Suyuti, *Al-Itqan Fi Ulum Al-Qur'an*, page 217.

⁷⁰ Al-Qaffal al-Shashi, *Mahasin Al-Ta'wil*, page 148.

⁷¹ Al-Jashshash, *Ahkam Al-Qur'an*, page 135.

principles, but also relevant to the needs of modern society and able to address contemporary economic challenges.

In addition, there is also a need for more intensive education and socialization efforts to the public about the concept of usury and proper Islamic financial practices. This is important to create awareness and a better understanding of the principles of Islamic economics, so that people can make wiser financial decisions that are in line with religious values.

In conclusion, Al-Jashshash' interpretation of usury remains relevant as a foundation in understanding the concept of usury in Islam. However, in the face of modern economic complexity, the interpretation needs to be reviewed and developed in order to provide appropriate and relevant solutions for Muslims.⁷² With a more comprehensive, flexible, and open approach, it is expected that the practice of Islamic finance can continue to grow and make a positive contribution to the welfare of society.

H. Conclusion

The results show that Al-Jashshash' interpretation, although comprehensive and an important reference in Islamic studies, is not free from criticism. Some of the criticisms highlight methodological inconsistencies, school of thought fanaticism, and interpretive inaccuracies in some cases. In addition, the concept of 'required addition' in Al-Jashshash' definition of usury has also been debated, especially in the complex context of modern economics.

⁷² Al-Suyuti, *Al-Itqan Fi Ulum Al-Qur'an*, page 232.

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