



## *Sharia* Economic Law Criticism on Muhammad Syahrûr's *Hudûd* Theory regarding Bank Interest

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### Abstract

*In modern economics applied by conventional financial institutions, the interest system is inseparable. Economic system based on sharia principles emerged as a solution to riba-based (usury-based) transactional activities, which in sharia economic law is in the khilafiyah (dissent) territory amongst scholars regarding whether the conventional bank interest is riba which is prohibited by Islamic law. A figure named Muhammad Syahrûr came up and offered his theory of limits (nazhariyyah al-hudûd) in providing riba limitations in the Quran. This research aims to describe M. Syahrûr's thoughts on bank interest based on his theory of limits, and to analyze it based on the review of sharia economic law (fiqh muamalah mâliyyah). this reseach is understood as a literary study research which is a research on secondary materials. The type of data used in this research is secondary data, which is literature focusing on the thoughts of a figure, which is Muhammad Syahrûr. The result of the research shows that Muhammad Syahrûr's opinion that allows the practice of bank interest based on his theory of limits (nazhariyyah al-hudûd) is a marjûh (weak) opinion, since it is not supported by valid arguments and it also contradicts the opinions of the jumhur ulama (the majority of the scholars).*

**Keywords:** *Riba; Bank interes; Muhammad Syahrûr.*

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### 1. Introduction

The *sharia* economic system or the Islamic economic system as a system referring to Islamic law, is a revelation instruction, believed by its followers as a system that has the power and ability to prosper its practitioners, both Muslims or non Muslims. *Sharia* economics is believed to be an economic

system that gets a guide of the values and norms of life that comes from The Greatest and The Most Fair, Allah (The Most Glorified, The Most High). In Islamic economics, the subject of usury, as one of the pillars of the economy is crucial, which can affect, for direct and indirect economic performance of Islamic countries ([A. Khorshidian, 2017](#)). The purpose is surely to create and realize a well-being of the world and the hereafter in a just society life. In other words, *sharia* economic system is believed to provide more guarantees in creating social welfare and justice. In fact, because of it is universal and can be a mercy to the universe, the Islamic *sharia* system is not only able to guarantee the welfare and justice within the scope of Islamic society, it can also be applied to any environments and communities that consistently and firmly do their principles ([Prajna, 2012](#)).

Doing economic activities is human nature to meet one's needs. By doing the activities, one gets earnings, and by getting his earnings he gets to live his life. For Muslims, the *Quran* is a guidance with absolute truth to meeting their needs. The *sunnah* by Rasulullah Muhammad (Peace be Upon Him) serves to explain the contents of the *Quran*. There are many Quranic verses and the *hadith* of the Prophet (Peace be Upon Him) that stimulate people to work diligently, including in economic activities, and denounce people for being lazy. However, not every economic activity is allowed by the *Quran*. Those that benefit only a few people such as trade monopoly, scalping, gambling, and *riba* (usury) will surely be rejected ([Zuhri, 1996](#)).

The fundamental difference between Islamic economics and conventional economics, particularly in Islamic financial institutions, is the use of an interest/*riba*-free system. Etymologically, *riba* means an excess or addition. Syaikh Muhammad Abduh opined that *riba* refers to the additional amounts required by the owner of the wealth from the borrower due to the extension of the payment period beyond the initially agreed-upon time ([Hidayat, 2018](#)). *Riba*, as the main subject of this research, is mentioned in the *Quran* in several places collectively, namely in *surah* Al-Baqarah [2] : 275-280. *Fiqh* scholars talk about *riba* in *Fiqh Muamalah*. To explain the meaning of *riba* and its rulings, they made *surah* Ali' Imran [3] : 130 and *surah* al-Baqarah [2] : 278-279 as a basis, as in both verses the rulings on *riba* are emphasized. The *riba* discussed in the *Quran* is called *riba nasi'ah* ([Wahbah al-Zuhaili, 2012](#)).

From those verses, scholars made a formula of *riba*, and from the formula it can be identified if an economic activity is categorized as *riba* or not. In establishing a law, scholars usually take a step which in *Ushul Fiqh* is known as *ta'lil* (looking for 'illat/legal or basic cause). The ruling of a happening or situation is the same with the ruling of another happening or situation, or called 'nash', if the legal or basic cause is the same. Usury lending at interest or excessive interest - has, according to known records, been practised in various parts of the world for at least four thousand years. The problem is compounded by a tendency to interpret *riba*, prohibited within Islam, as both usury and interest, without adequately distinguishing these concepts (Ibrahim Abraham And, n.d.). During this time, there is substantial evidence of intense criticism by various traditions, institutions and social reformers on moral, ethical, religious and legal grounds ([Macintosh, 2021](#)).

The keyword in the *Quran* that has been developed in explaining the meaning of *riba* by the scholars is *lakum ru'us amwalikum* (your right is to receive the amount of capital that you lend) (Al-Baqarah [2] : 279). From this keyword then it is understood that the lender can only receive payment of the loan shortage. Excess over loans is called *riba*. 'Abd Al-Rahman Al-Jaziri emphasized that the scholars agree that additions in a loan when the loan is paid in a certain time frame on 'iwad (reward) is *riba* ([Al-Jaziri, n.d.](#)).

The *Quran* contains many verses on the prohibitions of *riba* accompanied by causes, effects, and threats for those who collect it. The word *riba* came from the root word ر ب و which is used in the *Quran* for twenty times. According to Abdullah Saeed as quoted by Neni Sri Imaniyati, in the *Quran* the term 'riba' is understood in seven kinds of meanings, which are (1) growing; (2) increasing; (3) swelling; (4) rising; (5) being big; (6) great; and (7) hillock (Imaniyati, 2010).

Economic activities has developed from time to time. What was not there before, is now there, or vice versa. At the times of Rasulullah (Peace be Upon Him) there were no banknotes, now there is. Financial institutions such as banks that were once unknown, now exist. A new problem in *Fiqh Muamalah* arises when the notion of *riba* as explained earlier is faced with the problems of bank. On one side, bank interest is trapped in *riba*. But on the other side, banks have a large social function that even in other words, without a bank, a country will collapse. The Islamic jurists continue to approve practices that were evolved from the earlier institutions and instruments without a critical examination to determine whether or not they meet the Islamic precepts of justice and fair play – some say efficiency - and serve the needs of the public in a Muslim country ([Zaman, 2009](#)).

The introduction of this study reveals several innovative elements that make this research unique and distinct from previous studies in the field of Sharia economic law. Here are some aspects of the novelty presented:

Emphasizes the *hudûd* theory developed by M. Syahrûr, which is relatively underexplored in Sharia economic law literature. This theory offers a flexible perspective on the legal limits set in Sharia, potentially leading to new interpretations of bank interest practices. This study compares Syahrûr's approach with the conservative views of the majority of scholars regarding *riba*, providing a fresh and comparative perspective.

The introduction highlights that the issue of bank interest is a highly controversial and relevant subject in contemporary Islamic economic discussions. Highlighting how the *hudûd* theory can be used to justify bank interest practices is a new contribution to this discussion. By considering the social and economic implications of implementing bank interest, this introduction offers a multidimensional perspective that links legal theory with economic and social realities. Critique of Syahrûr's Methodology This study not only introduces Syahrûr's theory but also critiques his methodology, highlighting the differences with traditional methodologies in interpreting Islamic law. This provides a deep analysis of the validity and limitations of the *hudûd* theory.

The research underscores the relevance of the *hudûd* theory in the context of modern economic law, making this study useful for readers interested in the application of Sharia law in contemporary banking systems. Holistic Approach By combining legal, economic, and social analysis, this introduction offers a holistic approach often overlooked in previous research. This helps in understanding the broader implications of applying the *hudûd* theory to bank interest practices.

Overall, this introduction introduces a new theoretical framework that has the potential to change the perspective on the issue of bank interest in Sharia economic law. By combining M. Syahrûr's innovative *hudûd* theory and critiquing it in the context of contemporary economics, this research makes a significant and original contribution to this field.

Changes and developments in times make new methodologies and approaches in interpreting the *Quran* necessary. This is because no matter how great a *tafsir* (Quranic interpretation) product is, it is a product of the times (*ibn zamanih*) that is influenced by the context of changing times and epistem (way of thinking) of its *mufasir* (interpreters). This realization is the one that pushes Muhammad Syahrûr, a contemporary critical thinker from Arab-Syria, to try "offering" a new methodology by using a theory of limits (*nazhariyyah al-hudûd*) in interpreting the *Quran*. A theory that is indeed "original", yet at the same time, controversial. It is said to be "original" because the theory is a result of a scientific experiment that tries to interconnect the science of interpretation with modern linguistic theory and modern science, especially mathematical theory. It is said to be controversial, because for some scholars, the theory is considered to violate the interpretation model of previous scholars ([Mustaqim, 2017](#)).

Amidst both mainstream currents, an offer from the land of Syria appeared. A contemporary Muslim thinker, Muhammad Syahrûr, offers a spirit to return to the text. However, it is not like what

the literalist-textualist group has offered, which is applying text as it is, but there is flexibility of the text. Particularly in the terms of *hudûd*, he offers a theory of limits (*nazhariyyah al-hudûd*). An offer that is innovative, smart, and seems to have no precedents from its predecessors ([Abidin, 2006](#)).

In this case, Muhammad Syahrûr explained that bank interest is not categorized as *riba*, as long as it doesn't reach 100% of the capital. So, Muslims do not need to be hesitant in transacting with banks that apply interest, as long as the interest does not reach 100% of the invested capital ([Syahrur, 1990](#)).

In the renewal of Islamic law, Syahrûr is known with his theory of limits. Syahrûr emphasized that the theory of limits is one of the approaches in making an *ijtihâd* (an effort to make legal decisions based on *sharia* law), and this is used in studying *muhkamat* verses in the *Quran*. The term 'limit' Syahrûr used refers to "the limits of Allah's provisions that must not be violated, but within it there is an *ijtihâd* area that is dynamic, flexible, and elastic" ([Qadir, 2014](#)).

Muhammad Syahrûr is a liberal thinker from Damascus, Syria. Since young, Syahrûr has been known as a smart and brilliant child. His intelligence was proven by getting a scholarship from the Syrian government to Moscow, to continue his study in Civil Engineering (*al-Handasah al-Madaniyyah*) on March 1957. It was in this country that Muhammad Syahrûr became acquainted to Marxism ideas, and did not admit as a follower of the school ([Kurzman, 1998](#)). Furthermore, the Damascus University sent him to Dublin, Ireland, precisely to National University of Ireland (*al-Jami'ah al-Qaumiyah al-Irlandiyah*) to continue his studies at the Masters and Doctoral levels in the same field, with the specialization of Soil and Foundation Mechanics (*Mekanika Turbat wa Asasat*). In 1969, Syahrûr achieved his master's degree and 3 years later in 1972, he successfully completed his doctoral program. In 1982-1983, Muhammad Syahrûr was again sent by the university to be an expert at the consulate general in Saudi Arabia. In 1995, he also became an honorary participant in a public debate on Islam in Lebanon and Morocco ([Clark, 1996a](#)).

His background as an engineering scientist did not stop him from studying Islam seriously.<sup>1</sup> Departing from these new premises, Syahrûr formulated his own epistemologies, approaches, and methods on Islamic studies. As a result, his studies became unique and reformative Islamic studies. The most striking uniqueness is seen on his thoughts about the theory of Islamic law is his *ijtihâd* using his theory of limits (*nazhariyyah al-hudûd*), that invites many pro and con responses from among Muslims themselves ([Elkarimah, 2014](#)).

This theory, which is a breakthrough in the field of *Ushul Fiqh*, according to Hallaq is heavily influenced by Syahrûr's formal education background in natural sciences, particularly mathematics and physics. This is where Muhammad Syahrûr's Islamic law reconstruction became interesting and unique by using natural science (mathematics) formula that was developed by Isaac Newton, particularly the one with the formula of function equation [ $Y=f(x)$ ], in addition to having a basis in the verse An-Nisa [4]: 13 (تلك حدود الله) with an affirmation that the one sets the limits (*hudûd*) is Allah alone. This is a phenomenon of Syahrûr's that is not grounded at all in the paradigm of classical *Ushul Fiqh* science and only armed by engineering science ([Elkarimah, 2014](#)).

The theory of limits that corresponds to *muamalah* matters and also related to *riba* is *hadd al-a'lâ mujabban wa hadd al-adnâ salîban* (the theory of maximum limits and the theory of minimum negative limits). It means that the maximum negative limit can be exceeded and applied to the matters of distribution of wealth which can be categorized into three forms, namely *zakât*, (almsgiving), *sadaqah* (charity), and *riba* (usury). The upper limit that can not be exceeded is *zakât*, as the negative limit. The distributive limit below *zakât*, is *sadaqah*. This position, besides having an upper limit and also a middle limit which is in the middle of the two. This middle limit is called the zero point at the

<sup>1</sup> <https://media.neliti.com/media/publications/362021-none-a6ec8b85.pdf>, accessed on July 30, 2023, at 3:45 PM WIB.

intersection of two axes that implements the concept of *qard al-hasan* or loans with zero percent interest (Elkarimah, 2014).

In the analysis of M. Syahrûr's *hudûd* theory regarding bank interest, this study identifies several significant research gaps that have not been adequately addressed or explored in previous literature. The following are the main research gaps. Many studies on *hudûd* theory and bank interest are theoretical without empirical data support. This research lacks integration of real case studies or empirical data demonstrating how Syahrûr's theory can or has been applied in the context of modern Islamic banking. Previous research tends to lack contextualization of Syahrûr's theory within the dynamic global economic situation. There is a need for further research exploring how *hudûd* theory can be effectively applied in various economic and cultural contexts.

Although there is discussion on the impact of bank interest, this research identifies a lack of in-depth exploration of the long-term social and economic implications of applying Syahrûr's theory. More comprehensive research is needed on the micro and macroeconomic impacts of bank interest within the *hudûd* theory framework. There is a lack of research comparing the effectiveness of *hudûd* theory in regulating bank interest with conventional financial systems. This research identifies the need for comparative studies to assess the advantages and disadvantages of Syahrûr's approach compared to traditional and conventional approaches. Criticisms of Syahrûr's methodology are often theoretical. This research highlights the need for trials and validation of Syahrûr's interpretation methodology in real-world practice, which has not been extensively conducted in previous literature. There is a lack of research delving into the responses from various stakeholders, including scholars, Islamic banking practitioners, and the general public, regarding Syahrûr's *hudûd* theory on bank interest. This research identifies the need to document the views of these various stakeholders.

Few studies explore how Syahrûr's theory interacts with international law and local regulations regarding banking and finance. There is a need to evaluate how this theory can be adapted to various existing legal frameworks in different countries.

By identifying these research gaps, this study aims to encourage further research that can provide a more comprehensive and applicable understanding of M. Syahrûr's *hudûd* theory in the context of bank interest.

In short, according to Muhammad Syahrûr, bank interest is not considered as *riba* because it cannot be categorized as *adl 'âfan mudhâ'afah* as explained in the *Quran surah Âli-Imrân* (3) verse 130.

## 2. Literature Review

Using the above linguistic method, Syahrûr then developed the theory of boundaries, based on the understanding of two terms: *al-hanîf* and *al-istiqâmah*. According to Syahrûr, the word *al-hanîf* comes from the Arabic word *hanafa*, which means crooked or curved (*hanafa*); it can also refer to a person who walks on two legs (*ahnafa*) or a person with crooked legs (*hanufa*). Meanwhile, the word *istiqâmah* comes from the word *qaum*, which has two meanings: (1) standing upright (*al-intishâb*) and strong (*al-'azm*). From the word *al-intishâb* comes the words *al-mustaqîm* and *al-istiqâmah*, which are the opposites of crooked (*alinhirâf*); from *al-'azm* comes the term *al-dîn al-qayyîm* (a religion that is strong in its authority).

- a. *Halâh hadd al-adna* (minimum boundary position). The result area is shaped like an open curve with a single minimum boundary point, lying adjacent to a line parallel to the X-axis. This can be observed in Q.S An-Nisa: 22-23, regarding the women who are forbidden to marry. According to Syahrûr, the women mentioned in these verses represent the minimum boundary of those who are forbidden to marry. Therefore, the women forbidden to marry are not limited to those mentioned in the verse. For instance, the verse does not mention

cousins as forbidden to marry. However, cousins could be included in the category of women forbidden to marry if research finds that marriages with close relatives can result in offspring with mental or physical disabilities.

- b. *Halah hadd al-a'la* (maximum boundary position). This represents the range of the function  $Y=F(x)$ , which forms a downward-facing curve (closed curve) with a single maximum turning point, aligned with a straight line parallel to the X-axis. This can be illustrated in Q.S al-Maidah: 38. The punishment for male or female thieves is hand amputation. Here, hand amputation represents the maximum punishment. Therefore, the punishment for a thief should not exceed hand amputation but can be less severe than this maximum punishment.
- c. *Halah hadd al'ala wa al-adna ma'an* (simultaneous maximum and minimum boundary positions). The result area is in the form of both closed and open curves, each having a maximum and minimum turning point. Both turning points are aligned with a straight line parallel to the X-axis. This can be observed in Q.S. an-Nisâ' [4]: 3, regarding polygamy. According to Syahrur, those who wish to practice polygamy must first meet two conditions. The first is the quantitative condition, which concerns the limit on the number of women allowed to be married in polygamy.
- d. *Halah al-mustaqim* (straight position). The result area is a straight line parallel to the X-axis. In this position, the maximum turning point coincides with the minimum turning point. There is only one such case in the Qur'an, which is in Q.S An-Nur: 2, concerning adultery. According to Syahrur, in the case of adultery, there is no other option but to apply the punishment of flogging as mentioned in the verse.
- e. *Halah al-hadd al-a'la duna al-mamas bi al-hadd al-adna abadan* (maximum boundary position without ever touching the minimum boundary). The result area is an open curve formed from an initial point almost adjacent to the X-axis and a final point almost adjacent to the Y-axis. This straight line has neither a minimum nor a maximum boundary and is only marked by a single straight line point. This line is designated by Allah for the sexual relationship between a man and a woman outside of marriage, referred to as zina (adultery).

*Halah hadd al-a'la mujab mughlaq la yajuz tajawuzuhu wa al-hadd al-adna salib yajuz tajawzuhu* (positive maximum boundary and negative minimum boundary). The result area in this position is a wave curve with the maximum turning point in the positive area and the minimum turning point in the negative area. Both are aligned with a straight line parallel to the X-axis. This sixth boundary theory is used to analyze financial transactions. The highest boundary in borrowing money is referred to as interest tax, and the lowest boundary in giving is called zakat (almsgiving).

### 3. Methodology

The research method used is based on normative juridical approach by studying or analyzing secondary data in the form of secondary materials. Hence, this research is understood as a literary study research which is a research on secondary materials. The type of data used in this research is secondary data, which is literature focusing on the thoughts of a figure, which is Muhammad Syahrûr, so the main literature is the figure's works and other literature that are relevant with the focus of the research. The data analysis method used in this research is qualitative method.

### 4. Results And Discussion

#### Short Biography of Muhammad Syahrûr

His full name is Muhammad Syahrur bin Daid. He was born in Shalhiyyah, Damascus, Syria, on April 11, 1938. Muhammad Syahrur completed his primary and secondary education in public schools. He was born into a "liberal" family environment, where in his family's tradition, ritual piety

was not considered more important than the teachings of Islamic ethics<sup>2</sup>. His father is Deyb ibn Deyb Syahrûr and his mother is Siddiqah binti Shalih Filyun. Syahrûr is the fifth child of a dyer. He has five children: Tariq, al-Lais, Basul, Masul and Rima, from his marriage with Azizah ([Ismail, 2003](#)).

His preparatory (*'idâd*) and elementary (*ibtidâ*) education started in a *madrassa* (Islamic school) in Damascus. Meanwhile, his secondary school was in a *madrassa* called Abdurahman al-Kawakib in Damascus, a *madrassa* which name was taken from a famous Arab writer that lived in 1849-1903, that persistently called for the Arab resistance against the corrupt Turkish nation. Syahrûr graduated from the *madrassa* in 1957. A year later, when he was exactly 19, he received a scholarship from the Uni Sovyet government in the Faculty of Engineering, Moscow Engineering Institute. That time, he lived in Saratow, an area near Moskow ([Syahrûr, 2010](#)).

In 1964, Syahrûr obtained a diploma degree in Civil Engineering from the faculty. After that, he returned to his home country to prepare for his career in Damascus. A year after graduating, precisely in 1965, he was accepted as a lecturer in Damascus University with his diploma.

Furthermore, in 1967 he initially wanted to continue his research in *Imperial College London*. However, because at that time there was the June war between Syria and Israel that cut off diplomatic relations between England and Syria, his wish had to be postponed. As a consolation for the failure of his dreams, Damascus University finally sent him to University College Dublin, National University of Ireland in the Republic of Ireland, to take Masters and Doctoral program in the field he had done before which is Civil Engineering with the specialization of Soil Mechanics and Foundation Engineering. He achieved his master's degree of Soil Mechanics and Foundation Engineering in 1969. And in 1972, he received his doctorate. Both academic degrees were earned from the university in Ireland. After that, he returned to his home country and dedicated himself again in the Faculty of Civil Engineering of Damascus University ([Fanani, 2010](#)).

Subsequently, in 1995, Syahrûr was invited to be an honorary participant and involved in a public debate on Islamic thought in Lebanon and Morocco ([Clark, 1996b](#)). Although Syahrûr's initial academic background is engineering, he was interested in studying the *Quran* more seriously using the philosophy of language approach and framed by the theory of exact science. He even wrote books and articles on Islamic thought to respond to contemporary issues.<sup>3</sup>

Syahrûr is a thinker of Islam who has long experience related to the knowledge that he has been pursuing. His career as a scientist began when he taught Soil Mechanics courses in the Faculty of Engineering, Damascus University from 1964 to 1968. After achieving postgraduate studies in Ireland (1968-1972), he was appointed professor of Soil Mechanics and Foundation Engineering from 1972 to 1999 at the Faculty of Engineering at the Damascus University. At the same time, from 1972 to 2000 he was also listed as a senior consultant at the association of engineers in Damascus ([Khoiri, 2016](#)).

In the Islamic field, Syahrûr was self-taught. He does not have any formal training experience or certificates in Islamic sciences. This is what later became the target of criticism to him. His intellectual enemies often attacked him harshly since he did not have a formal educational background in Islamic field. Syahrûr is considered as an intellectual that is not competent in speaking about religion. It is this negative stigma that eventually made him lose the opportunity to speak in public forums. It is very rare to him to be appointed as a speaker in religious platforms, sermons at mosques, Islamic journals, or television programs. As a result, Syahrûr was only faced to one option, which is

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<sup>2</sup> <https://tanwir.id/mengenal-muhammad-syahrur-dan-teori-hermeneutikanya/> accessed on July 30, 2024, at 4.05 PM.

<sup>3</sup> <https://media.neliti.com/media/publications/158225-ID-konsep-sunnah-dalam-perspektif-muhammad.pdf> accessed on July 30 2024, at 4.11 PM.

writing books to socialize his ideas or simply to answer criticism from his intellectual enemies ([Fanani, 2010](#)).

Syahrûr is a persistent thinker. Evidently, amidst how religious figures and scholars attack him intensely and blindly, he never swayed in the slightest to silence his ideas. The attacks made him labeled as *kafir* (disbeliever), *satan*, *murtad* (apostate), *zindiq* (free thinker), communist, creator of a new religion, and other negative stigmas. He was even accused of being an enemy of Islam, an agent of the West and a Zionist. The terrors led to an official ban of his works from various Middle East countries such as Saudi Arabia, Egypt, Qatar and the United Arab Emirates ([Khoiri, 2016](#)).

Although his educational background is engineering, it does not mean that he has zero Islamic knowledge. He is very interested to study the *Quran* and the *Sunnah* more seriously, using his linguistic methods and framed with his exact science. He poured his ideas into several books regarding Islamic thought. Syahrûr's ideas of Islam were poured onto his monumental work, *al-Kitâb wa al-Qur'ân: Qira'âh Mu'âsirah*. This book by Syahrûr became a best-seller and sold thousands of copies. The book has been printed several times. The first printing was in 1990 AD and in 1992 AD it was back in print. Eicklemen recorded that in 1993 AD, this book had sold 13.000 copies in Syria, 3.000 copies in Egypt, and 10.000 copies in Saudi Arabia.

His second book that was published is *Dirâsah al-Islâmiyyah Mu'âsirah fi al-Dawlah wa al-Mujtama* (1994 AD). This book is an introduction to answers to criticism aimed by muslim thinkers at that time towards his first book. Syahrûr received a lot of criticism because the approaches that he used were totally different, namely the exact approach of engineering science and mathematical analysis. However, it did not stop Syahrûr in developing Islamic discourse. He returned to write his third book that was titled *al-Islâm wa al-Imân: Manzûmah al-Qiyâm* (1996 AD). These three book later describe Syahrûr's renewal project in contemporary Islamic thought. Another book that was written by Syahrûr is *Masy-ru al-'amâl al-Islâm* (1999 AD), and his new book is *Nahwu Ushûl Jadîdatun li al-Fiqh al-Islâmî: Fiqh al-Mar'ah* (2000 AD), in this book, he tried to re-read classical Islamic *Fiqh* by raising gender equality issue. Besides publishing in book form, Syahrûr also often contributes his thoughts through articles in seminars or media publications ([Syahrûr, 1990](#)).

As a contemporary Muslim thinker, Muhammad Syahrûr has successfully produced several works in Islamic studies. Apart from his work *al-Kitab wa al-Qur'an: Qira'ah Mu'ashirah* (1990), he also wrote *Dirasat al-Islamiyyah al-Mu'ashirah fi ad-Dualah wa al-Mujtama'* (1994), *al-Islam wa al-Iman* (1996), *Nahwu Ushul Jadidat Lil Fiqhi al-Islami: Fiqhu al-Mar'ah* (2000), *Tajfifu Manabi'I al-Irhab* (2008), *al-Qishah al-Qur'ani-Qira'ah Mu'ashirah I: Madkhal ila al-Qishashi wa al-Qishati Adam* (2010), *al-Qishah al-Qur'ani-Qira'ah Mu'ashirah II: Min Nuhila Yusuf* (2011). Included in his works is a book that was edited and translated by Andreas Christman: *The Qur'an, Morality, and Critical Reason: The Essential Muhammad Shahrur* (2009). Recently, Syahrûr also released his new book, *al-Islam wa al-Insan: Min Nataij al-Qir'ah al-Mu'ashirah* (2016), which was later translated into English as *Islam and Humanity: Consequence of Contemporary Reading* (2017).

### Syahrûr's View on Bank Interest Based on *Hudûd* Theory (Theory of Limits)

Bank interest is the reward given by the bank to its customers for the funds deposited in the bank. The provision of bank interest is based on a certain percentage of the principal deposit and the deposit period, or the interest rate applied.<sup>4</sup>

The theory of limits is a scientific theory in mathematics which Syahrûr includes in interpreting the *Quran*. This theory is unfamiliar in the world of *tafsir* (*Quranic* interpretation), because classical *mufasssir* (the Quran interpreter) in general only use common scientific tools when

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<sup>4</sup> <https://kumparan.com/berita-hari-ini/hukum-bunga-bank-dalam-islam-menurut-pandangan-ulama-1zhTegwXbez/2> accessed on 30 July 2024 at 4.13 PM.



interpreting the *Quran*, such as history, the knowledge of *asbab nuzul* (occasions or circumstances of revelations), *munasabah* (reasonable suggestions), *nasikh-manasukh* (the knowledge of abrogating and abrogated), and linguistic rules. Meanwhile, modern scientific tools such as modern science and linguistic clearly have not been included yet. This is what it means that every scientific product, including *tafsir*, always has limitations and lackings ([Mustaqim, 2017](#)).

Those limitations and lackings are what Syahrûr wants to patch in order to develop the *tafsir* thinking in contemporary era, by offering the *hudûd* theory. The *hudûd* theory is one of his original contributions from a 20-year survei (1970-1990), when he was writing the book *al-Kitâb wa al-Qur'ân; Qira'ah Mu`âshirah*. This theory is one of the logical consequences from the distinction of the terms *al-Kitâb* and *al-Qur'ân*, or *Kitâb al-Risâlah* and *Kitâb al-Nubuwwah*. The *ijtihâd* method is used to understand the *risâlah* (*muhkamât* or clear verses on legal matters), while the *ta'wil* method is used to understand the *mutasyâbihât* verses (read: *nubuwwah* outside of the legal verses) ([Mustaqim, 2017](#)).

Syahrûr did not explicitly define what is meant by *ijtihâd*, probably because the term is already popular. However, from the application, it can be concluded that *ijtihâd* with the approach of the theory of limits is a method to understand the clear verses (*muhkamât*) in accordance to the socio-historical context of contemporary society, so that the *Quran* teachings can still be contextual and still lie within the limits of Allah's law (*hudûdullâh*).

As mentioned earlier, one of the original findings from Syahrûr in order to re-interpret *muhkamât* (clear verses on legal matters) in the *Qur'an* is the theory of limits (*nazhariyyah al-hudûd*). The theory was built on an assumption that Islamic message brought by Prophet Muhammad (Peace be Upon Him) is universal (*'âlamiyah*) and dynamic, so that it will remain relevant in every era and place (*shâlih li kulli zamân wa makân*). The strength of Islamic message is that within it there is two aspects of movement. *First*, a constant movement (*istiqâmah*) and *second* is dynamic movement (*hanîfiyyah*). These two things made Islamic teachings become more flexible. However, the flexibility (*al-murûnah*) is still in the framework of *hudûdullâh* (limits set by Allah) ([Mustaqim, 2017](#)).

The bank is one of the business institutions and the interest system is one of the bank's mechanism for managing the circulation of money in the society. Community members who have money are encouraged to deposit unused funds with the bank for a certain period of time. Then, the bank lends the money to other people who need it for a certain period of time as well. In general, in economics interest comes from the principal of the money, which is commonly known as the term 'capital' or 'asset in the form of money'. And the interest can also be referred to as 'rent' or better known as 'interest'. According to Goeghart, interest or rent is a difference in value, depending on time difference based on economic calculations ([Harahap, 1993](#)).

The interest system in conventional banks or profit sharing in Islamic banks are considered important for the successful operation of the existing economic system for the community. However, Islam considers the interest as an evil act that spreads misery in life ([Rahman, 2002](#)).

In literatures by classical *fiqh* scholars, there were not any discussions relating *riba* and banking interest since banking institutions as what has developed so far were not found in their era. Discussions about whether interest is identical with *riba* have only recently been found in contemporary *fiqh* literatures.

Muslims are prohibited to collect *riba* in any form. The prohibition so that Muslims do not get involed with *riba* is sourced on various verses in the *Quran* and the *hadith* of Prophet Muhammad (Peace be Upon Him).

Syahrûr discusses *riba* in his book *Al-Kitab wal Al-Qur'an* in only five pages, starting from page 467 to page 471. In the first paragraph, he said "I have said that the topic of *riba* is included in the *hudûd* Allah number six, which is the maximum positive limit, neutral or zero, and the minimum

negative limit. Therefore, the topic of *riba* cannot be separated with the topic of *zakah* and *sadaqah*". After that, Syahrûr explained on the meaning of *riba* in language that means *al-ziyadah* (increasing), *al-nama'* (growing), dan *al-'uluw* (elevated) ([Hamdani, 2017](#)).

In his *hudûd* theory, Muhammad Syahrûr introduced the concept of "the maximum positive limit cannot be exceeded, the minimum limit can be exceeded". This position is applied to the matters of wealth distribution, which can be categorized in the form of *zakât*, *shadaqah*, and *riba*. The upper limit that cannot be exceeded is *riba*, while the minimum or lower limit that can be exceeded is *zakât* as the negative limit, the distributive limit below *zakât* is *sadaqah*. This position, apart from having an upper and lower limit, has also a middle limit that lies right in the middle of the two. This middle limit is the zero point at the intersection between two axes that implements the concept of *Qord al-Hasan* or loans with 0% interest. What is called *riba* on bank interest, according to Syahrûr, is when the loan interest exceeds 100% of the loan capital by the interpretation of *adl'âfan mudhâ'afah* ([Syahrur, 1990](#)).

In this theory, Syahrûr introduced a study of interest in a good and detailed manner by quoting several verses of the *Quran* that deal with *riba* matters. Syahrûr also explained that the meaning of *riba* in Arabic is "growth and development" of wealth. Syahrûr argued that the prohibition of interest is not a provision of Islam. In supporting his opinion, he also stated that 'Umar bin Khattab once reportedly wanted the Prophet (Peace be Upon Him) to explain explicitly the conditions of the legal status of interest ([Syahrûr, 1990](#)).

According to him, Muslims do not need to worry or hesitate when they have to transact in the world of banking that uses the conventional or interest system, as long as the interest earned has not reached 100% of the initial capital. Syahrûr emphasized that the prohibited form of *riba* is when the interest reaches 100%. Therefore, as long as the interest is less than the amount, it is still categorized as permissible, in the sense that the addition has not violated the limits of Allah's provisions ([Qadir, 2014](#)).

According to Syahrûr, the words *adl'âfan mudhâ'afah* is the upper (maximum) limit that cannot be exceeded, which is when the interest reaches 100% of the borrowed principal amount. This is when *ijtihâd* is needed to determine the right percentage so that the wheels of economy can rotate normally. Certainly, an expert of Islamic law has to work with an expert of economics, particularly banking.

### Analysis on Syahrûr's View regarding Bank Interest

According to Syahrûr, the opinion of the permissibility of bank interest is based on his understanding in interpreting the expression *adl'âfan mudhâ'afah* in *surah* Âli-Imrân verse 130 as follows:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا الرِّبَا أَضْعَافًا مُضَاعَفَةً وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُفْلِحُونَ

*O you who have believed, do not consume riba (usury), doubled and multiplied, but fear Allah that you may be successful.*

He thought, the verse is the maximum limit that has been set by Allah (The Most Glorified, The Most High), so when the interest does not exceed 100%, then the bank interest is permitted. The weakness of this opinion is that Syahrûr did not divide the bank interest into consumptive interest and productive interest. Methodologically, this argument by Syahrûr has also been refuted by scholars that forbid *riba*, as the author has mentioned earlier, because the scholars that absolutely forbid *riba* do not base the method of *mahfum mukhâlafah* with *mahfum 'adâd*. Since the expression *adl'âfan mudhâ'afah* has been explained in the *hadith* of the Prophet (Peace be Upon Him) ([Qadir, 2014](#)).

In this matter, Rasulullah (Peace be Upon Him) forbade to sell silver for silver, unless it is equal in weight, and gold for gold unless it is equal in weight. And we may sell gold for silver as we will. The *hadith* of the Prophet (Peace be Upon Him) above actually explains that what is meant by the expression *adl'âfan mudhâ'afah* which became the basis for the prohibition of *riba*, is all advantages of the initial capital, either it is debt or buying and selling that multiplied by 100% or not, and those advantages harm the lenders or the buyers (Qadir, 2014).

Based on *surah* Âli-Imrân verse 130, Syahrûr has a view that it is called prohibited *riba* when the bank interest has *adl'âfan mudhâ'afah* (doubled), and in fact, these days there is no interest rate that reaches 100% or doubled from the principal assets.

According to the author, this opinion by Syahrûr is one of the excuses to justify the practice of conventional bank interest, because there is no large bank interest rate. It is less than 100%, even only reaches 1 to 12% in accordance to what has been set by Bank Indonesia.

In *surah* Âli-Imrân verse 130 above, prohibited *riba* is *riba* that is multiplied. The *mafshûm mukhâlafah* (reverse law), *riba* that is not multiplied or only a little is not considered as *riba* and it is permissible.

Without question, the verse is not wrong, since all of the words by Allah are true. Although sometimes, the verses of the *Quran* are misused by irresponsible parties. When Ali bin Abi Thalib (may Allah be pleased with him) faced the Khawarij, people who revolted from his leadership, they reasoned that Ali has left Islam. Then, they mentioned postulates of the *Quran*.

Hearing their arguments, Ali (may Allah be pleased with him) commented according to a *hadith* narrated by Imam Muslim as follows:

قَالَ عَلِيٌّ: كَلِمَةٌ حَقٌّ أُرِيدَ بِهَا بَاطِلٌ

“True sentence, but intended to defend falsehood.” (Al-Naisaburi, n.d.).

Furthermore, the author is going to provide analysis and comments to respond the statement “*riba* is permissible as long as it is not multiplied”. *First*, there are a lot of postulates on the prohibition of *riba*. According to *tafsir* experts, verses on *riba* were revealed in 4 (four) stages. The prohibition of *riba* contained in the *Quran* was not revealed all at once, but it was revealed in four stages (Adam, 2019).

*The first stage*, rejecting the notion that *riba* loans, which in essence seems helping people in need, as an act to be closer (*taqarrub*) to Allah (The Most Glorified, The Most High).

وَمَا آتَيْتُمْ مِنْ رَبًّا لِيَرْبُوَ فِي أَمْوَالِ النَّاسِ فَلَا يَرْبُو عِنْدَ اللَّهِ وَمَا آتَيْتُمْ مِنْ زَكَاةٍ تُرِيدُونَ وَجْهَ اللَّهِ فَأُولَئِكَ هُمُ  
الْمُضْعِفُونَ

*And whatever you give for interest (advantages) to increase within the wealth of people will not increase with Allah. But what you give in zakah, desiring the face (approval) of Allah, those are the multipliers. (Q.S Ar-Rum : 39)*

*The second stage*, *riba* is described as something bad. Allah (The Most Glorified, The Most High) threatens to give harsh response to the Jews that consume *riba*.

فَبِظُلْمٍ مِنَ الَّذِينَ هَادُوا حَرَّمْنَا عَلَيْهِمْ طَيِّبَاتٍ أُحِلَّتْ لَهُمْ وَبِصَدِّهِمْ عَنْ سَبِيلِ اللَّهِ كَثِيرًا (160) وَأَخَذِهِمُ الرِّبَا وَقَدْ هُمُوا عَنْهُ  
(وَأَكْلِهِمْ أَمْوَالِ النَّاسِ بِالْبَاطِلِ وَأَعْتَدْنَا لِلْكَافِرِينَ مِنْهُمْ عَذَابًا أَلِيمًا 161)

*For wrongdoing on the part of the Jews, We made unlawful for them (certain) good foods which had been lawful to them, and for their averting from the way of Allah many (people), and (for) their taking of riba (usury) while they had been forbidden from it, and their consuming of the people's wealth unjustly. And We have prepared for the disbelievers among them a painful punishment. (Q.S An-Nisa : 160-161)*

The third stage, *riba* is prohibited by being linked to a multiplied advantage. *Tafsir* experts argued that taking interest with a fairly high level was a phenomenon that was widely practiced in that era. Allah said:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا الرِّبَا أَضْعَافًا مُضَاعَفَةً وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُفْلِحُونَ (130)

*O you who have believed, do not consume riba (usury), doubled and multiplied, but fear Allah that you may be successful. (Q.S Âli-Imrân :130)*

This verse was revealed in the third year of Hijri. Generally, this verse has to be understood that the criterion of multiplying is not a condition for the occurrence of *riba* (if the interest is multiplied than it is *riba*, if it is small it is not *riba*), however, this is a **general characteristic** of the practice of money interest at that time.

Likewise, this verse must be understood comprehensively with verses 278 and 279 of *surah* Al-Baqarah which was revealed in the ninth year of Hijri.

The final stage, Allah (The Most Glorified, The Most High) clearly and firmly forbids any kinds of advantages taken from a loan. This is the last verse regarding *riba* that was revealed.

يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَذَرُوا مَا بَقِيَ مِنَ الرِّبَا إِن كُنْتُمْ مُؤْمِنِينَ (278) فَإِن لَّمْ تَفْعَلُوا فَأْذَنُوا بِحَرْبٍ مِّنَ اللَّهِ وَرَسُولِهِ وَإِن تُبْتِغُوا فَلَئِنَّ رُءُوسَ أَمْوَالِكُمْ لَا تَظْلِمُونَ وَلَا تُظْلَمُونَ (279)

*O you who have believed, fear Allah and give up what remains (due to you) of interest, if you should be believers. And if you do not, then be informed of a war (against you) from Allah and His Messenger. But if you repent, you may have your principal - (thus) you do no wrong nor are you wrong. (Q.S Al-Baqarah : 278-279)*

**Second**, that the verse mentioned above must be understood according to the context. Context becomes one of the guides for us to understand an interpretation of a verse as a whole. So that we will not clash one verse with another just because we do not understand the context.

Before explaining the opinions of *tafsir* experts regarding the meaning contained in Âli-Imrân verse 130, it is better for the author to describe the *asbâb an-nuzûl* (occasions or circumstances of revelation) of the verse.

**Asbâb An-Nuzûl** : In a narration it is stated that there were people who did buying and selling on credit (with payment within certain period of time). When it was time to pay, there was no payment, and so the interest was increased and the payment term was also added. Then came down the verse above (Âli-Imrân verse 130) as a prohibition against such actions. (Narrated by Al-Faraby from Mujahid) ([Al-Zuhaili, 2014](#)).

In other narration, it is explained that in the time of *jahiliyya* (ignorance), Tsaqif had a debt to Bani Nadlir. When it was time to pay, Tsaqif said : we pay the interest and delay the payment time". Then came down the verse above (Âli-Imrân verse 130) as a prohibition against such actions (narrated by Al-Faraby from Atha) ([Shaleh, 2000](#)).

Imam al-Syaukani explained that in the verse it is prohibited to consume *riba* that multiply (read: *surah* Âli-Imrân verse 130), because of the circumstances occurred at that time. The tradition of Arab *jahiliyya* community is that their *riba* multiplied. In his *tafsir*, Imam al-Syaukani describes the following:

وقوله: أضعافاً مضاعفة ليس لتقييد النهي لما هو معلوم من تحريم الربا على كل حال، ولكنه جيء به... باعتبار ما كانوا عليه من العادة التي يعتادونها في الربا

The words of Allah (أضعافاً مضاعفة) “*riba* that doubled” is not meant to be a limitation in the verse of *riba* prohibition, as it is understood that it is prohibited in every circumstances. However, this verse was sent down regarding to their habit at that time, which they made as a tradition in *riba* transactions...”. (Al-Yamani, n.d.)

Another explanation is stated by Imam al-Lusi in his *tafsir* as follows:

وليس هذه الحال لتقييد المنهي عنه ليكون أصل الربا غير منهي بل لمراعاة الواقع

“Multiplying is not to limit the prohibition so that the origin of *riba* is not prohibited (unless the one that is multiplied). But to relate with the reality at that time.” (Al-Lusi, n.d.).

According to Wahbah al-Zuhaili in the book *Tafsir Al-Munir* that the sentence أضعافاً مضاعفةً is an addition to wealth when it is due and delay the billing (Al-Zuhaili, 2014). Sayyid Quthb started with the discussion on the matter of أضعافاً مضاعفةً because there are people who want to hide behind this *nash* (abrogation) and circle around it by saying that the prohibited *riba* is the one which multiplied. While interest of four percent, five percent, seven percent, nine percent is not categorized as multiplied *riba* and is not included in the prohibition frame (Quthb, n.d.).

Sayyid Quthb started with this discussion by determining that it is to characterize the occurrence, not as a condition related to a law. Meanwhile, the *nash* contained in *surah* Al-Baqarah verse 178 by *qath'i* (definition) prohibits *riba* fundamentally without specifying certain limitations and conditions, “give up what remains (due to you) of interest”, regardless of the model (Quthb, n.d.).

Explanations by *tafsir* experts above are in line with the opinions of *fuqaha* (Islamic law experts) regarding the meaning of multiplying in *surah* Âli-Imrân verse 130. Here the author presents the opinions of the *fuqaha* regarding the meaning of multiplying in *surah* Âli-Imrân verse 130.

Dr. Al-Shadiq Abd Al-Rahman Al-Gharyani in his book *Ahkâm al-Mu'âmalat al-Mâliyah Fî al-Fiqh al-Islâmî*, argues as follows (Al-Gharyani, 2002) :

“The meaning of *taqyid biadh'af mudha'af* in *surah* Âli-Imrân verse 130: “As for some people say that the prohibited *riba* is actually the one that multiplied, and bank interest practiced by conventional banks is not included in *riba* that is multiplied, hence bank interest is not categorized as prohibited. This is in accordance with the words of Allah (The Most Glorified, The Most High) in *surah* Âli-Imrân verse 130 which states that Allah prohibits *riba* that is multiplied. The objection to the opinion is that in fact, this verse was sent down to characterize the occurrence when the verse was revealed, which is the practice of multiplied *riba* that was occurred/practiced in the Arabian peninsula at that time, and then the verse was revealed to forbid this practice. The verse was not sent down to stipulate that *riba* in small amount is the limit. The meaning of *taqyid biadh'af mudha'af* is a form of an explanation of an occurrence, not to permit *riba* that is small and as long as it is not multiplied.”

Dr. Yusuf al-Qarâdhawî argues that people who have the ability to understand high taste of Arabic and understand its rethoric, fully understand that the nature of *riba* mentioned in the verse “*adh’af mudha’af*” is the context of explaining the objective condition and at the same time denouncing it. They have reached this level by multiplying interest ([Al-Qarâdhawî, 1994](#)).

This multiplying pattern is not considered as a criterion (condition) in the prohibition of *riba*. In the sense that interest that is not multiplied, is ruled as permissible. In Islam, the prohibition technique has been able to work effectively by forbidding small parts, for fear that it will fall into big matters. Also by tightly shutting the door that can be penetrated by forms of damage and destruction ([Al-Qarâdhawî, 1994](#)).

Furthermore, Qarâdhawî said that, which one is called small *riba*, and which one is large *riba*? Who says that 10% is small and 12% is large? What is the standard? Very relative ([Al-Qarâdhawî, 1994](#)).

According to Qarâdhawî, if we want to hold onto the explicit meaning of the verse, then what is called as multiplied is 600% as expressed by our professor, Prof. Dr. Muhammad Daraz, since the word “*adh’af*” itself is in plural form, at least three. So, if three is multiplied even once, it will be six. Does anybody justify such matter?

Therefore, according to Qarâdhawî, no matter how small the interest taken, the ruling is *haram* (prohibited/unlawful), because it is categorized as *riba* the *Quran* has forbidden. In *surah* Al-Baqarah in the *Quran* which is the last verse that was revealed (regarding *riba* law), there is a total abolition of *riba*.

يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَذَرُوا مَا بَقِيَ مِنَ الرِّبَا إِن كُنْتُمْ مُؤْمِنِينَ (278) فَإِن لَّمْ تَفْعَلُوا فَأْذَنُوا بِحَرْبٍ مِنَ  
اللَّهِ وَرَسُولِهِ وَإِن تُبْتُمْ فَلَكُمْ رُءُوسُ أَمْوَالِكُمْ لَا تَظْلِمُونَ وَلَا تُظْلَمُونَ (279)

*O you who have believed, fear Allah and give up what remains (due to you) of interest, if you should be believers. And if you do not, then be informed of a war (against you) from Allah and His Messenger. But if you repent, you may have your principal - (thus) you do no wrong nor are you wrong. (Q.S Al-Baqarah : 278-279)*

Another argument of the bank interest advocates is they argue that when there are several verses that prohibit *riba*, then we need to bring a verse that is *mutlak*/absolute (not limited) onto the verses that are *muqayyad* (limited). So that verse that does not mention “multiplied” is returned to the verse that mentioned “multiplied”. Hence it is understood that the *riba* that is prohibited is the one that is multiplied ([Baits, 2017](#)).

To counter the argument above, the author will provide two refutations from 2 (two) points of view. *First*, does *qaid* (limitation) mentioned in the verse above apply? From all of the explanations by the *tafsir* experts above, they emphasized that the “multiplied” limitation does not apply. Because this limitation essentially only explains the context of the *riba* prohibition when the verse was revealed, and does not explain the legal limitations of *riba* ([Baits, 2017](#)).

*Second*, that the rule of returning the *mutlak* to *muqayyad* only applies for commands and *itsbat* (positive sentences). While in prohibitions and *nafyu* (negative sentences) the rule does not apply. This is as emphasized by Imam az-Zarkasyi (one of the *ushul fiqh* experts from Syafi’i school) in his book *Bahr al-Muhîth Fî Ushûl al-Fiqh*. He mentioned some of the conditions to be able to understand the *mutlak* to *muqayyad*, including the following:

الشَّرْطُ الثَّلَاثُ: أَنْ يَكُونَ فِي بَابِ الْأَوْامِرِ وَالْإِثْبَاتِ، وَأَمَّا فِي جَانِبِ النَّهْيِ وَالنَّهْيِ فَلَا، فَإِنَّهُ يَلْزَمُ مِنْهُ  
الْإِحْلَالُ بِاللَّفْظِ الْمُطْلَقِ مَعَ تَنَاوُلِ النَّهْيِ. وَهُوَ غَيْرُ سَائِعٍ.

“The third condition, the sentence is in the form of a command or *itsbat* sentence. While in negative sentences, or prohibitions, the rule does not apply. Because if a *mutlak* prohibition is brought to *muqayyad*, the consequences will annul the scope of *mutlak* prohibitions, eventhough prohibitions are general. And the ruling of that matter is impermissible.” ([Al-Zarkasyi, 1994](#)).

Based on the scholars' arguments that the author has explained, Muhammad Syahrûr's opinion which allows the practice of bank interest based on his theory of limits (*nazhariyyah al-hudûd*) is a *marjûh* (weak) opinion, because it is not supported by valid arguments and contradicts the opinions of the *jumhur ulama* (the majority of scholars).

Sharia banking is an institution that in recent years has become the focus of economic activities in Indonesia ([Wijayanti, 2019](#)). The implication of Muhammad Syahrûr's opinion regarding the permissibility of bank interest is that it will become one of the hindrances to the growth and development of Islamic banks themselves. This is because Muslim customers who are comfortable with their conventional banks will be even more convinced that what they are doing does not contradict religious principles. Moreover, potential Islamic bank customers may reconsider becoming part of Islamic banks due to the lack of information and the limited network compared to conventional banks.

In principle, Muhammad Syahrûr's thoughts will not have a significant impact, because the Council of Ulama, particularly in Indonesia, has issued a fatwa that interest is identical to *riba*, making it prohibited. This is further supported by fatwas from other prominent scholars, such as Yusuf al-Qardawi, Umar Chapra, and others.

## 5. Conclusion

Muhammad Syahrûr's opinion that allows the practice of bank interest based on his theory of limits (*nazhariyyah al-hudûd*) is a controversial opinion that received a lot of criticism from scholars. The opinion is a form of degradation in the field of Islamic economy. In the context of Indonesian economy that is encouraging the progress of *sharia* economy.

The implication of Muhammad Syahrûr's opinion on the permissibility of bank interest will become one of the obstacle factors for the improvement and development of the *sharia* banks themselves because Muslim customers who enjoy their conventional banks will be more convinced that what they are doing does not contradict religious norms. Apart from that, prospective customers of *sharia* banks will think again of becoming a part of the *sharia* bank customers, due to the lack of information and how small network *sharia* banks have compared to conventional banks. Nevertheless, in principle, Muhammad Syahrûr's thinking will not give a huge impact, because scholars board, particularly the one in Indonesia, has given a legal opinion through *fatwa* No.1 Year 2004 regarding to interest, that interest is identical with *riba*, and thus it is ruled as prohibited, added with other *fatwas* that have been expressed by major scholars such as Yusuf al-Qarâdhawî, Umar Chapra, and others.

Therefore, the opinion of Muhammad Syahrûr that allows the practice of bank interest based on his theory of limits (*nazhariyyah al-hudûd*), is a *marjûh* (weak) opinion because it is not supported by valid arguments and contradicts the opinions of the *jumhur ulama* (the majority of scholars).

### Author Contribution Statement

The first author contributed by collecting literature and writing the manuscript.

The second and subsequent authors contributed by assisting the first author in analyzing the research problems under study.

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