

## THE CONCEPT OF NASKH IN THE PERSPECTIVE OF ALI AS-SHABUNI (STUDY OF *RAWĀI' AL-BAYĀN TAFSĪR ĀYĀT AL-AḤKĀM MIN AL-QUR'ĀN*)

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**Abstract:** The concept of *naskh* in the disciplines of the Qur'an and useful *fiqh* is understood as the cancellation of the previous Sharia law, which is replaced by a new law, as part of an adjustment to the needs and dynamics of the development of Muslims at the time of the Prophet Muhammad. This concept has generated polemics among scholars. Some allow it, and those who reject it. Through the descriptive-analytical method and reviewing various related literature references, the author attempts to present the views of scholars and specifically explore the views of Ali As-Shabuni, a contemporary scholar from Aleppo, Syria, in his work *Rawāi' Al-Bayān Tafsīr Āyāt Al-Aḥkām min Al-Qur'ān* related to the dynamics of *naskh*. The results of this study show that Ali As-Shabuni's view of *naskh* is contrary to the views of the majority of scholars on its permissibility. However, in his book, he provides a separate review of the wisdom behind the ordinance of *naskh*. He also gives a fairly detailed explanation to refute the views that reject the application of the concept of *naskh* in the Qur'an and Sunnah. He concludes that *naskh* has great significance in the formation of dynamic sharia law, as well as a gift in the form of the process of *tadarruj al-hukm* given by Allah to His servants.

**Keywords:** Ali As-Shabuni, *Mansukh*, *Naskh*, *Rawai' al-Bayan*.

## A. Introduction

*Naskh* is one of the important concepts in al-Qur'anic science and useful fiqh science related to the cancellation or replacement of Sharia law through revelation. Etymologically, the word “*naskh*” comes from Arabic, which means abolish, eliminate, or move. In terminology, naskh refers to the annulment of a Sharia law that is replaced by another law established by Allah SWT through revelation that comes later (Al-Qaththan, 2018). This concept is recognised in the Islamic tradition, especially during the life of the Prophet Muhammad, as part of the dynamics of gradual law formation as well as to ensure the benefit of Muslims on the laws that apply at that time (Dimiyati, 2020).

The theory of naskh to this day continues to reap controversy from the perspective of various scholars, a very complex issue, in theory, is that there are scholars who reject it, arguing that there is no cancellation or elimination of existing shar'i laws in the Qur'an. The theory of *naskh* may apply according to reason, but in Shari'ah, *naskh* cannot occur in the Qur'an. If so, then the Qur'an contains something false, and that is impossible. In this paper, the author wants to reveal and review the theory of *naskh* and *mansukh* by presenting several views of scholars, then presenting specifically the views of contemporary scholars, namely Ali As-Shabuni, a well-known contemporary scholar born in Aleppo, Syria.

Naskh, as one of the most important concepts in Qur'anic science and *ushul fiqh*, plays a significant role in the understanding and application of Shari'ah law. This concept describes the process by which a law is replaced by a new law through later revelation. Etymologically, the word “*naskh*” comes from the Arabic word meaning “to erase” or “to transfer.” In terminology, naskh refers to the annulment or alteration of a previously applicable Shari'ah law with a new law revealed by Allah SWT. This is considered part of Allah's effort to adjust the Shari'ah laws according to the situation and needs of the Muslims at that time (Al-Qaththan, 2018).

Controversy regarding the theory of *naskh* continues to grow among scholars to this day. Some scholars reject the existence of *naskh* in the Qur'an, arguing that the cancellation or abolition of sharia law that has been stipulated in the Qur'an is not by the principle of perfection of the holy book. They argue that *naskh* can be accepted intellectually, but sharia-wise, *naskh* in the Qur'an is unacceptable because it implies the existence of something that is not eternal or contains falsehood in a perfect and holy book. This view is based on the belief that the Qur'an is perfect and final guidance from Allah, so it cannot contain laws that must be changed or abolished.

However, some other scholars accept the theory of *naskh* as one part of the dynamics of law formation that is carried out gradually. They see this concept as a form of God's wisdom in giving laws that are based on the social and cultural conditions of Muslims at the time of the Prophet Muhammad. In this paper, the author will examine the theory of *naskh* and *mansukh* through various views of classical and contemporary scholars and specifically review the views of Ali As-Shabuni, a contemporary scholar from Aleppo, Syria, who has progressive thoughts about *naskh* in the modern context. Ali As-Shabuni's views will provide a new perspective that can enrich our understanding of *naskh* in the context of Muslim life today.

## B. Research Methods

This article is prepared using a descriptive-analytical method with a literature review approach. The discussion in this article focuses on the definition of *naskh* according to the views of scholars in general, as well as the conditions needed in applying the concept of *naskh*. The concept of *naskh* is one of the important studies in the science of tafsir and *ushul fiqh*, which allows the cancellation or replacement of sharia law through new revelations that come later.

In addition, this article also specifically examines the views of Sheikh Ali As-Shabuni regarding the concept of *naskh*, as explained in his work, *Rawā'ī' Al-Bayān Tafsīr Āyāt Al-Aḥkām min Al-Qur'ān*. In this book, Sheikh Ali As-Shabuni offers an in-depth understanding of *naskh* that differs from the views of other scholars and is accompanied by comprehensive exegetical arguments. Through this analysis, the article seeks to show the contribution of As-Shabuni's thought to the dynamics of Islamic legal interpretation.

## C. Results and Discussion

The word *naskh* comes from the masdar (*isim* or noun) form of the verb meaning "to remove, abolish" (Munawwir, 2005, p. 1532). That which abrogates is called *nāsikh*. Meanwhile, the thing that is abrogated is termed *mansūkh*. So, it can be understood that *naskh* is a name or term in the process of cancelling a law. Etymologically, the word *naskh* has several meanings. Sometimes, the word *naskh* is interpreted as *al-izālah*, which means abolishing. Sometimes, the word *naskh* is interpreted as *an-naql*, which means moving. In addition, the word *naskh* also means *at-tabdīl*, which means replacing. Sometimes, it also means *at-tahwīl*, which means moving. As for the meaning of *naskh* in terminology, it can be found in several different meanings. Ibn Manẓur (d. 711 AH) defines *naskh* as "the

nullification or deactivation of something because something replaces its position” (Mandur, 1956, p. 72). Ibn Hājib (d. 646 AH) argues that the definition of naskh is: “The abrogation of a Shari’ah ruling because a new Shari’ah ruling has come into existence” (Aṣ-Ṣābūnī, 2007, p. 64).

The concept of naskh in Qur’anic science is one of the important elements related to the cancellation or abolition of a sharia law that has been replaced by a more appropriate law. Etymologically, the term “*naskh*” comes from a word that has a variety of meanings, such as “*al-iḥzāl*” which means abolish; “*an-naql*”, which means move, “*at-tabdīl*” which means replace, and “*at-taḥwīl*” which means change. Thus, *naskh* can be understood as a process in which an old law no longer applies because a new law replaces its position. In terminology, naskh is often interpreted as the abolition or cancellation of a law based on a revelation that comes later.

Some scholars give a more specific definition of *naskh*. For example, Ibn Manẓur explains that naskh means the annulment of a legal provision because of its replacement, while Ibn Hājib defines it as the abolition of *sharia* law by a new *sharia* law. This means that naskh reflects a mechanism in Islamic law that allows for the adjustment of laws to the development and needs of the people. This view shows that in Islam, naskh is not just the abolition of old laws but also a form of God’s wisdom in establishing more relevant laws by the conditions and benefits of mankind.

### 1. Naskh Mansukh According to the Views of the Scholars

‘Abdul Wahāb Khalāf (d. 1956 CE) defines naskh as the process of cancelling a Shari’ah law due to the arrival of a new Shari’ah law that can indicate the cancellation of a law implicitly or explicitly, in whole or in part, to ensure the benefit of the people (Khalaf, 2004). *Naskh* only occurred during the Prophet’s time in both the Qur’an and the Sunnah. So that after he died, there was no possibility of cancelling the law. As for the process of the birth of law during the Prophet’s time to bring up the provisions of the Sharia for Muslims at that time, it is agreed that some of the provisions of the Sharia at that time have undergone a process of *tadarruj* (staging). In general, the practice of *naskh* in the context of Shari’ah can only be found in the laws contained in the Qur’an and Sunnah, which are derived from the decrees of Allah, not laws or decrees that are born from the process of *ijtibādī* or *aqlī*. It should also be understood that the process of nullification of *sharia* law can only be found in verses or decrees that contain legal meaning, whether using the editorial command (*amr*), prohibition (*nahī*) or *khbariyyah*. Therefore, *naskh* does not apply to matters of creed,

morals, or the principles of worship that have been established (such as the five daily prayers, zakat, and hajj) or the practice of *muamalah* (Dimiyati, 2020).

The *mutaqaddimin* scholars have expanded the meaning of the term *naskh*. Among them is Abu Muslim Al-Asfihani, who argues that the changes to some of the existing rulings in the Qur'an are directed as a form of determining a law that is *takeṣṣiṣ al'amm* (specialising a general proposition); *bayān al-mubḥām wa al-mujmāl* (explanation of a law that is still vague and global) (Dimiyati, 2020, p. 76). This opinion can be said to be less popular, so the scholars who came later did not support this opinion and tended to side with the mainstream view that limits the understanding of *naskh* only in the corridor of cancelling a law.

The concept of *naskh* can be realised if it meets several conditions that have been agreed upon by the scholars. In this case, *Manna' Khalīl Al-Qaṭṭān* mentions three components of the conditions that must be met for the validity of the concept of *naskh* and *mansukh*:

*First*, the law that is cancelled (*mansukh*) is included in the category of sharia law, namely the law that has been determined by Allah to humans through the intermediary of His messenger. *Secondly*, the evidence that abrogates in the form of a shar'i scripture that eliminates a law must come later. *Thirdly*, the matter that is abrogated must not be tied to a certain time. This is because if a ruling is tied to a certain time, then the status of the ruling is potentially exhausted (not lasting), so it can no longer be said to be *naskh*. Opinion number three is like what Makkī ibn Abī Ṭālib (d. 437 AH) said. Once the conditions of the concept of *naskh* above are known, then determining whether a verse can be said to have been *naskh* cannot be done haphazardly. Nor is the knowledge of *naskh* based on ijtihad or the creativity of Muslim scholars. One must know its status from several indicators:

- a. The existence of a narrative statement from the Prophet Muhammad or the companions of the Prophet stating that this law or verse is abrogated.
- b. The agreement of Muslims, in this case, the scholars, on a law or verse that is declared as *nāsikh* (abrogating) or *mansukh* (abrogated).
- c. Knowing the history of a verse or law, which one came first and which one came last (Al-Qaththan, 2018).

## 2. Biography of Alī Aṣ-Ṣābūnī and Overview of Rawāi' Al-Bayān fi Tafsīr Āyāt Aḥkām min Al-Qurān

The discussion in this study highlights the complex interaction between Indonesian Islamic traditions and the development of modern science, particularly in the utilisation of stem cells from umbilical cords. Umbilical cord burial, which has become an integral part of birth practices in Indonesian Muslim societies, reflects a form of local wisdom that is deeply rooted in religious and cultural values. This tradition is not just a ritual but a symbolisation of hopes and prayers for the safety, luck and success of the newborn baby and his or her family.

His full name is Muḥammad ‘Alī ibn Jamīl Aṣ-Ṣābūnī. His father’s name was Shaykh Jamīl, and he was a prominent scholar of his time in the Aleppo area. Aṣ-Ṣābūnī was born in the city of Halb Shu’ba, known as Aleppo in Syria, in 1374 AH/1928 AD. Since his childhood, he was taught by his father, starting from the most basic knowledge of the Arabic language and other basic sciences, as well as the knowledge of inheritance. In addition to learning some sciences through his father, he also actively participated in scientific studies in the mosques around his house. Aṣ-Ṣābūnī’s diligence in learning later earned him a scholarship from the Syrian Ministry of Waqf that took him to study in Egypt.

Aṣ-Ṣābūnī graduated from Al-Azhar with an academic degree in the form of LC (License) in 1952 AD/1371 H. Not content with his undergraduate studies, Aṣ-Ṣābūnī then continued his studies to the undergraduate level using the same scholarship at the same university and completed it in 1954 AD with a focus on sharia law. Around 1962 CE, he received an offer to teach at Umm Al-Qurrā’ University in the Faculty of Sharia and another offer at King Abdul Aziz University in the Faculty of Islamic Education. He accepted the offer and taught at both universities for approximately 28 years (Haryono, 2017).

In addition to studying with his father, he also studied with many prominent scholars such as Shaykh Muḥammad Saīd Al-Idlībī, Shaykh Najīb Sirajuddin, Shaykh Ragīb At-Ṭabbakh and Shaykh Najīb Al-Khayyaṭ. He was also recorded as having studied fiqh with Shaykh ‘Abdul Fattah Abu Guddah. He studied *nahwu* with Shaykh ‘Abdullah Muhammad and learned tafsir from Shaykh Abū Al-Khair Zainal ‘Ābidīn. His tafsir was written thanks to his diligence and sincerity in working and seeking Allah’s guidance. Aṣ-Ṣābūnī completed *Rawā’i’ Al-Bayān fī Tafsīr Āyāt Ahkām min Al-Qur’ān* in the glorious city close

to the Ka'bah, the Ka'bah of Allah, in Makkah while he was teaching at Umm Qurrā' University.

The book *Rawāi' Al-Bayān fī Tafsīr Āyāt Ahkām min Al-Qurān* is divided into two volumes and contains 70 themes. The book is a commentary on *ahkam* interpretations that is complemented by various arguments from classical and contemporary commentators, as well as an explanation of *al-hikmah al-tashri'iyyah* (the wisdom of the law). With various perspectives that he mastered, As-Shabuni firmly explained the reality of the dynamics of Muslim understanding in reading legal verses as well as answering the accusations and false assumptions of orientalist against several Islamic terms such as the number of wives of the prophet, the legality of the war in Islam, and the implementation of *qishas* (Badriyah, n.d.).

Muḥammad 'Alī Aṣ-Ṣābūnī passed away on Friday at dawn on 6 Sha'ban 1442 AH/19 March 2021 AD in the city of Yalova near Istanbul, Turkey. May his good deeds be accepted by Allah, may all his mistakes be forgiven by Allah, and may he be gathered with the Prophet Muhammad and the righteous. Āmīn.

### 3. The Concept of Naskh in the Perspective of 'Alī Aṣ-Ṣābūnī

Globally, *naskh* has been applied in the laws of the heavenly religions. The arrival of the Prophet Muhammad as the final messenger was to complete and revise the provisions of the previous prophets and messengers. Regarding the legality of *naskh*, As-Shabuni agrees with Fakhruddin Ar-Rāzī and Al-Jaṣṣāṣ that *naskh* is permissible both from a rational aspect and the reality of the history of its occurrence. This is in contrast to the opinion of the Jews, who allow it rationally but do not recognise the truth of the occurrence of *naskh* (historically). Some of them even deny the occurrence of *naskh* both rationally and historically.

As for the opinion of the majority of Muslim scholars they say that *naskh* is permissible. They consider that the sign of Muhammad's prophethood is the process of *naskh* in the course of his prophethood. Its function is to abolish the policies of the previous heavenly religions. Al-Jaṣṣāṣ (d. 981 CE), as quoted by Aṣ-Ṣābūnī, explicitly states that the concept of *naskh* is valid and legal in the Shari'ah brought by the Prophet Muhammad. It does not only apply to the Shari'ah of the heavenly religions but also the internal Shari'ah of the Prophet' time. Al-Jaṣṣāṣ stated this because there are some scholars (other than jurists) who claim that *naskh* can only occur in the heavenly laws before



the Prophet Muhammad. This statement, according to Al-Jaṣṣāṣ, is incorrect. This statement, according to him, is incorrect (Aṣ-Ṣābūnī, 2007, p. 71).

Aṣ-Ṣābūnī also refutes the statement of Abū Muslim Al-Aṣfahānī, one of the scholars who rejected the existence of *naskh* in the Qur'an. He believes that the application of *naskh* in the Qur'anic verses can give the impression that there is falsehood in the content of the Qur'an. He bases this statement on QS. Fuṣṣilat [41]: 42:

لَا يَأْتِيهِ الْبَاطِلُ مِنْ بَيْنِ يَدَيْهِ وَلَا مِنْ خَلْفِهِ تَنْزِيلًا مِّنْ حَكِيمٍ حَمِيدٍ

“There is no falsehood that comes to it, neither from the front nor from the back. (The Qur'an is) a Book sent down from God, the Wise, the Praiseworthy.”

Abū Muslim's understanding of *naskh* is specific to the *naskh* that occurred in the laws of the previous heavenly religions as found in their books, such as the Torah and the Gospel. This is his interpretation of QS. Al-Baqarah [2]: 106. He considers that the verse does not explain the legality of *naskh* but is evidence of a better replacement if the *naskh* process occurs. Aṣ-Ṣābūnī immediately refuted this argument, saying that Abū Muslim's interpretation of the verse is weak and contradicts the reality. The process of *naskh* has occurred in several cases: the relocation of the Qibla direction, the revision of the *'iddah* period for women whose husbands died, and many more (Aṣ-Ṣābūnī, 2007).

Ṣubḥī Aṣ-Ṣālih understands Abū Muslim's rejection of *naskh* in the Qur'an to mean that previous scholars have claimed that there is indeed a process of *naskh* in the Qur'an. This is evidenced by the number of verses that were *naskh*, although some of them considered it an exaggeration. Abū Muslim, however, thought not to cancel *naskh* in whole or in part. He prefers to refer to the verse as *takhṣīṣ* to avoid the notion of nullifying the ruling of the Qur'an (Aṣ-Ṣālih, 1977).

Then, Aṣ-Ṣābūnī divides *naskh* like the *uṣūl* and *tafsīr* scholars. He argues that a Qur'anic verse can replace another Qur'anic verse, and a hadith can replace or abolish another hadith. In this division, we summarise Aṣ-Ṣābūnī's opinion regarding the classification of *naskh* as follows:

First, *Naskh Al-Qur'an bi Al-Qur'an*. Second, *Naskh as-Sunnah bi as-Sunnah*. In the first and second parts, he agrees with the opinion of the majority of scholars on its permissibility. As for the next point, Third, *Naskh Al-Qur'an bi Ghair al-Qur'an* and *Naskh as-Sunnah al-*



Mutawātirah bi gair al-Mutawātirah there is a difference of opinion among scholars regarding its permissibility given the difference in status between the one who abolishes and the one who is abolished. This is based on the argument of Imam Ash-Shāfi'ī, who restricts that the thing that replaces or abrogates the verses of the Qur'an must be the Qur'an as well. Therefore, it is not permissible for a Prophetic tradition to replace or abrogate the Qur'an (Aṣ-Ṣābūnī, 2007).

From the above classification, Aṣ-Ṣābūnī divides *naskh* in the Qur'an into three types:

a. *Naskh at-Tilāwah wa al-Hukmi Ma'an*

Regarding the first type, he emphasised that Qur'anic verses that have had their recitations and rulings removed are not allowed to be recited in the sense that it is not worth worship when reading it like other verses of the Qur'an. It is also not permissible to apply the substance of its ruling because all the rulings contained in this verse have been abrogated both in terms of recitation and ruling. Such is the case of *raḍā'*. Initially, a baby becomes a mahram if it suckles from the *murḍī'* (breastfeeding mother) ten times. However, the policy contained in the Qur'anic verse has been abolished with the arrival of a new provision stating that only five feedings are enough, and the baby will change its status to *mahram* (forbidden to marry).

b. *Naskh at-Tilāwah ma'a Baqāi al-Hukmi*

In this case, he agrees with Az-Zarkasyī's view in *Al-Burhān fī 'Ulūm Al-Qur'ān* that the ruling contained in a verse whose recitation has been deleted remains valid when it has been agreed upon by the scholars. According to Aṣ-Ṣābūnī, the two types of *naskh* above, namely *naskh at-tilāwah wa al-ḥukmi ma'an* and *naskh at-tilāwah ma'a baqāi al-ḥukmi*, are very few and far between in the Qur'an. According to him, the Qur'an was brought by Allah Swt so that it can be worth worship because of reading its words and so that the laws contained in it can be implemented.

c. *Naskh al-ḥukmi wa baqāi at-tilāwah*

According to Aṣ-Ṣābūnī, there are many examples of this type of *naskh* in the Qur'an. As stated by Az-Zarkasyī, this type of *naskh* can be found in 63 suras. Examples include verses on *'iddah*, wasiyat, the prohibition of killing polytheists, and so on (Aṣ-Ṣābūnī, 2007).

#### 4. The Wisdom of Naskh, according to 'Alī Aṣ-Ṣābūnī

The dynamics of change that have occurred in the heavenly religions, and especially the teachings brought by the Prophet Muhammad, cannot be separated from the role of *naskh* in it. According to ‘Alī Aṣ-Ṣābūnī, the policy of Allah Swt in issuing a law through the process of *tadarruj al-hukmi* (not directly) is a gift given to His servants. If Allah’s rulings were given directly and without any stages, they would be difficult to realise. Aṣ-Ṣābūnī also stated that the role of the Messenger is to heal the hearts and bring benefits to the people as they came with different laws from Allah. They implemented a legal policy gradually to be acceptable and not burdensome for their people. The sharia that was mandated to the prophets and apostles was certainly different because of the differences in time and place when they were sent. This factor makes the same law sometimes not suitable to be applied in different times and places. The first wisdom that ‘Alī Aṣ-Ṣābūnī wants to emphasise for the occurrence of *naskh* in the formation of a law is to bring about a benefit (Aṣ-Ṣābūnī, 2007).

Secondly, from another point of view, of course, it is known that it is not always the case that the *naskh* that occurs then makes the originally difficult law easy. Some cases are just the opposite, such as the fasting ordinance. Initially, fasting was only required during *Ashuro* (the 10th of Muharram), but it became a full month during the month of Ramadan. According to As-Shabuni, the benefit behind the *naskh* ordinance contains two possibilities: the looseness of the law and the sake of human good in this world and the hereafter. In line with these two options, Imam Al-Qurthubi chose the second possibility because the benefit is not always synonymous with loosening a law. Sometimes, the applicable law is more severe and difficult to carry out. With such conditions, the rewards and goodness obtained are more and more. Such is the manifestation of Allah’s compassion for His servants (Aṣ-Ṣābūnī, 2007).

It can be understood that the *naskh* that was born in Islam aims to maintain the values of the message contained in the Qur’an so that it can adjust to the dynamic conditions of the society that occurred. According to Abdullah Saeed, the occurrence of *naskh* is not to eliminate the purpose or law that has been made before but rather strengthen and develop it, such as the prohibition of drinking alcohol and the prohibition of committing adultery, which aims to prevent similar acts from being committed (Saeed, 2017).

## D. Conclusion

Ali As-Shabuni's view on naskh is the opinion of the majority of scholars regarding its permissibility in the Qur'an and *Sunnah*. As a mechanism for replacing or cancelling the law, naskh plays an important role in maintaining the relevance and flexibility of *Sharia* law by the needs of the people. According to the author, Ali As-Shabuni, through his book *Rawā'i' Al-Bayān Fī Tafsīr Āyāt Al-Aḥkām Min Al-Qur'ān*, wants to further reveal the wisdom behind the message of naskh. Likewise, he wants to answer the arguments of those who reject the practice of naskh with a detailed review referring to various views of the *Salaf* and *Khalaf* scholars.

Further studies are needed to explore the implications of naskh for the development of Islamic law today. Thus, this research is expected to enrich the treasures of Islamic thought, especially in understanding the flexibility of *Sharia* law and the role of naskh in the formation of dynamic and contextual laws.

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