SINEMATIC ANALYSIS: THE FAIR IN SURAH AN-NISA, VERSES 3 AND 129

ANALISIS SINEMATIK: KEADILAN DALAM Surah AN-NISA, AYAT 3 DAN 129

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Abstract

Justice has a general meaning and has a special meaning, including justice in society, justice in law, justice in finance, and justice in human rights. The concept of justice, which is the second principle after monotheism includes justice in various relationships, namely the relationship between the individual and himself, the relationship between the individual and humans and society, the relationship between the individual and the judge and those who own the case, and the relationship between the parties relevant. Islamic justice is comprehensive and includes economic, social, and political justice. A pattern of life that shows love, help, and a sense of responsibility, not based on a conflicting social system between one class and another as the principle of justice in Islam. The command to carry out justice finding explicitly in the Qur'an. The verses of the Qur'an command to act justly and Allah Himself makes justice the goal of government as contained in Surah An-Nisa verses 3 and 129. An-Nisa verse 3 regarding the permissibility of polygamy for husbands who have been married to carry out the requirements of being fair to the wives. If this condition cannot be fulfilled, then a man is only entitled to marry one wife only, he cannot have more or enough intercourse with his female slaves without going through the proper marriage process. Surah An-Nisa 'verse 129 talks about polygamy. However, this verse concludes that a man can never be fair in passing. The nature of 'is (fair) is a green light for a man who wants to have polygamy.

Keywords: Justice, Fair, Polygamy

Abstrak


Kata kunci: Keadilan, Adil, Poligami
Introduction

Semantics is a branch of linguistics that is used to investigate the meaning of language at the level of words, phrases, sentences, and larger units of text. The word semantics itself shows a variety of very technical ideas in everyday language to indicate a problem of understanding word choice or connotation. The text becomes the main object and target in the discussion of semantics. The interpretation of the sentences is established in part by the meanings of their morphemes and by semantic relations between the morphemes. The reason for including a dictionary as a part of a semantic theory is precise to describe the semantic feature of morphemes important to account for the facts about sentences and their interrelations that the grammar attend unexplained (Katz & Fodor, 2014). The dictionary usually supplies more senses for a lexical item than it bears in almost any of its occurrences in sentences. But the machine will not be able to select the sense(s) that the morpheme bears in a given sentence context, except so far as the choice is already established by the grammatical markers assigned to the morpheme in the reduction of the sentence. The semantic interpretations assigned by the projection rules so operating on grammatical and dictionary information must account in the following ways for the speaker's ability to understand sentences: they must mark each semantic ambiguity that a speaker can detect; they must explain the source of the speaker's intuitions of an anomaly when a sentence evokes them; they must suitably relate sentences that speakers know to be paraphrases of mutually.

Islamic family laws derive from two fundamental sources of the Sharia: the Quran and the Sunna (Rehman, 2007). As the text of this study, the Qur’an is complete in studying semantic studies. Understanding the text of the Qur’an and the context of the Qur’an is very diverse. So, everyone can translate according to their knowledge capacity. The meaning contained in the Qur’an is a means of conveying God’s message to humans, of course through the Prophet Muhammad. Al-Quran is a book of guidance for all Muslims. It's just that we are only limited to the Qur’an without seeing its meaning or interpretation. Allah SWT gave a message to humans through the Messenger of Allah in which there is also an implied meaning.

The Qur’an is divided into chapters of unequal length, each of which is called a surah, a word that means "a fence, a stable, or any part of a building." The Surah is divided into several short sections, each of which is called an “aya”. The word “aya” is often translated as "verse", but means "sign". The verses that will be discussed in this paper are Surah an-Nisa verses 3 and 129. The Qur'an explains how to live a life and how they should pray, fast, and take care of those in need. The Qur'an traverse in great particular the interrelationships of human beings, such as the law of legacy and marriage. It tells people that they should obey God’s instructions solely for God’s sake, not for worldly purposes. It warns those who deny God's Message that they will be cast into hellfire, and it promises those who receive the message that they will become given the joy of heaven (Mim, n.d.).

The Qur'an makes an important distinction regarding existence and beings between the unseen and the visible, the latter referring to phenomena that occur in the physical world and thus can be understood, explained, and studied through our knowledge, and the invisible refers to anything that cannot be known by man except by divine admission. In classical Muslim understanding, the unseen includes the divine realm, including the angels, heaven, hell, and future events, which only God knows. For a long time, Muslims believed, based on their literal understanding of some verses of the Qur'an, that the sex of the unborn child is known only to Allah, and the place and time for each of us to die is also unseen. Such literal understanding, when confronted with modern scientific (medical) knowledge, makes many Muslims realize that the first-degree reading of the Qur'an can lead to contradictions and difficulties (Guessoum, 2008).
This study will explore the meaning of the verses in the Qs. An-Nisa verses 3 and 129. Surah an-Nisa (Arabic: الأنسماء, an-Nisa, "Women") is a letter that was revealed to the Prophet Muhammad after moving to Medina. Surah An-Nisa consists of 176 verses and is classified into the Madaniyyah letters according to the place where the letter was revealed. An-Nisa's letter in it explains a lot about matters related to women's problems, therefore it is called An-Nisa. The main points of discussion contained in An-Nisa's letter, include faith, sharia law, and the stories of the Prophets and their followers. Allah SWT explains and enforces sharia law to the people of Prophet Muhammad SAW contained in Surat an-Nisa, including the obligations of the guardians, the rules and laws of polygamy, the payment of dowries, the law of those who eat the property of orphans, and those who cannot take care among them. property, the rules, and procedures for the distribution of heirlooms (inheritance), the law on crime and its sanctions, women who are forbidden to marry, the law for marrying female slaves, the prohibition of eating other people's treasures in a way that is not allowed according to sharia law, the law of running away a wife of a husband, etc. The theme that will be raised in this paper is the word Adil which is contained in Surah an-Nisa verses 3 and 129 which is part of sharia law.

Hearing the term fair is not foreign to hear. The word al-‘Adl in the oral 'Arabic dictionary by Ibn Manzur has the meaning: straighten, straight, run away, depart, evade from the (wrong) path to the (right) path, equal, commensurate. During the Qur'anic period, there was a division of time, namely Mecca and Medina. During the Medina period, the spread of Islam was growing. The verses of the Qur'an that were revealed are no longer in the context of uuluhiyah but have developed in the field of social society. In this case, the word al-‘Adl is correlated with the story of al-Baqarah: 48, the law of debt in al-Baqarah: 282, marriage in an-Nisa: 3, the ethics of law in an-Nisa: 58. On this occasion, The author narrows the analysis of the word justice in Surah an-Nisa verses 3 and 129.

The two verses above seem contradictory and will raise a myriad of questions. For example: why is Allah SWT still opening the door to polygamy (as in the first verse) if the door to justice can never be reached by men? So, in order not to come to a deviant understanding, then with semantic analysis. It is hoped that the readers will be able to understand the true meaning of fairness by referring to the opinions of commentators who certainly understand more about the true meaning of fairness in Surah an-Nisa verse 3 and verse 129.

Concept of The Justice

Rawls’s theory is designed to define principles of justice that disinterested and rational individuals will receive behind the veil of incomprehension in the original site. The mist of incomprehension and the original site can be thought of as a hypothetical mind practice and system to ensure “...basic discussion reached in it are fair” (Rawls, 1999). The notion of justice and other opinions related to justice include the basic characteristic of human life (Guzel & Gul, 2020). Justice, which is regarded as one of the four great virtues, and sometimes even the most important, was formed in the past based on the norm of reciprocity (based on balanced reciprocity). The justice described in the Qur'an commands humans to behave fairly, not to discriminate against people, protect the rights of others, and not allow violence, whatever the circumstances, to side with the oppressed against the oppressor and to help the needy. This justice demands the rights of both parties be protected when reaching a decision in a dispute, assessing all aspects of events, putting aside all prejudices, and being objective, honest, tolerant, sympathetic, and empathetic.

When we talk about justice, everyone shares the same basic concept. This justice will include people from all walks of life, without discrimination between them. It will allocate
resources equitably among people, without considering their race, religion, and language, and will aim to create a world where the superior is the righteous, not the powerful (Yahya, 2003).

The concept of justice draws the concern of philosophers, sociologists, political scientists, academics, economists, and psychologists. After the 1970s, the concept becomes more moral and individual; and is evaluated by law, citizenship, responsibility, gender, environment, etc. Justice is a fundamental theme in social life. It pervades all facets of social interaction and provides legitimacy to social, political, religious, and legal institutions and practices (Ahmad & Hassan, 2000). It has two aspects are both individual and social. While individual justice is a feature of personality, social justice is a feature of a social situation. Individual justice must be done by respecting others’ rights. In this dimension, justice is an objective value that stems from the conscience of the people. On the other hand, in the case of impartiality and uniformity in the application of rules, social justice arises as formal justice; and social justice arises as distributive fairness in the idea that the distribution of resources and goods is fair if it meets predetermined criteria or principles. From the social aspect, (1) everyone accepts and knows that others also accept the same principles of justice, and (2) basic social institutions meet these principles and are known for meeting them. However, today’s societies are rarely compatible with this order, thus the concepts of fairness and unfairness should be discussed. However, everyone has a view of justice, even if no common determination is reached (Rawls, 1999).

Justice in Islamic Perspective

In Islam, justice is one of the principles that must be upheld. Allah Himself has the Most Just (al-Adlu) nature which His servants must emulate. For most humans, social justice is a lofty ideal. Islam requires that everyone enjoys his rights as a human being by obtaining the compliance of his basic needs, namely the assurance of the safety of his religion, the safety of himself (his soul, body, and integrity), the safety of his mind, the safety of his property, and the safety of his lineage. The main means that guarantee the implementation of these things is the establishment of justice (al-adl) in the order of people's lives.

There are several terms to indicate the word “adl”. Some of the synonyms are qisth, istiqamah, wasath, fate, hissa, and mizan. Adl is the opposite of jawar (injustice). There are several synonyms for jawar, such as zulm (tyranny), tughyan (tyranny), and mayl (tendency), inhiraf (deviation). Linguistically, the word adl is derived from the word adala, which means: first, act in a straight line, change or modify; second, running away, turning from one (bad) to a good deed; third, equal or equal, equal or suitable, or equal; fourth, to balance, to weigh, to be balanced. The term adl as equality or balance is used in the sense of balancing something with another. The meaning of the word adl can mean qualitatively or quantitatively. The first meaning refers to the abstract principle of equality which means equality before the law or the possession of equal rights. The second meaning emphasizes the principle of distributive justice, perhaps it is more appropriate to use the terms fate and qisth (sharing), qisthas and mizan (scales), and taqwim (strengthening).

Distributive justice is concerned with the norms of resource allocation and the perception of fairness by the recipients (Ahmad & Hassan, 2000). The norms may be merit, need, or an equality which norm is perceived as fair depending upon several factors, such as the type of resource, the purpose of the allocation, and relationship characteristics between the allocator and the recipient. Islamic view of distributive justice emphasizes its humanistic concerns. It subsumes three principles, namely, ‘Adl, Insāf, and Ihsān.

The word fair is also interpreted to be impartial or impartial, in the kindness of the truth, and properly or not arbitrarily. The command to carry out justice is found explicitly in the Qur'an. The verses of the Qur'an command to be fair and Allah Himself makes justice the goal of government. The command to be fair is addressed to everyone, without discrimination. The
necessity of being fair must be upheld in Muslim families and communities, even to the disbelievers Muslims are commanded to be fair.

The perspective of the Fair in Surah An-Nisa’ Verse 3

وَإِنْ خَافُتُمْ أَلاَّ تُفْسِدُوا فِي الْأَيَّامِ فَأَنكُحُوا مَا طَابَ لَكُمْ مِنَ الْمُسْلِمِينَ وَالْمُسْلِمَاتِ مَثْنَىٰ وَثُلَاثَ وَرُبَاعَ فَإِنْ خَافُتُمْ أَلاَّ تَعْلَوُوا فَاحْتِمُوا مَا مَلَكَ تُمُ التقُسِّطُوا فِي الْيَتَامَى

(4:3) If you fear that you could not carry out the orphans rightly, then marry the women that seem good to you: two, or three, or four. If you fear that you will not be able to carry out them rightly, then marry (only) one, or marry from among those whom your right hands own. This will make it more likely that you will avoid injustice.

While many, citing the near impossibility of treating all wives equally, interpret the above verse as a recommendation for the charity of monogamy, the practice of formal polygamy is accepted by the majority of Muslims (Hassouneh-Phillips, 2001). Surah An-Nisa verse 3 has been known as a verse containing the teachings of polygamy. Polygamy is one of the social problems of humanity which is alluded to in the Qur’an, but then in practice, its journey is often misunderstood. Especially by the practitioners of polygamy themselves who seek justification for their actions. It is not an order to do justice to women. Polygamy was and is practiced in Islamic cultures under the authority of Surah 4:3 (Journal & Johnson, 2005). Polygamy should then be prohibited by the state insofar as it lacks to carry out wives as equals with their husbands, disproving women the same rights, independence, and chances willing to men (Byram et al., 2013). The verse was revealed as a form of security for women's rights. The series of events is when there is a man who wants to marry an orphaned woman in his care because of the beauty factor as well as adequate finances that the orphaned woman has. Then the man wants to marry her without giving a dowry because the woman is already financially well-off. It's not enough to stop there, this man's treatment is also quite bad. Seeing this incident, An-Nisa verse 3 came down, which ordered to marry another woman (besides the orphaned woman) whom the man liked, two, three, or four. However, the Qur’an also warns that it is better to choose to marry only one wife if you are worried that you will not be able to treat each other fairly.

This verse stipulates that marrying more wives than one is permitted on the condition that one treats his wives equitably. A person who uses himself of this clearance granted by God to have a multitude of wives, and disregards the situation laid down by God to carry out their fairy has not occurred in good faith with God. In case, there are charges from wives that they are not being treated fairly, the Islamic state has the right to get involved and improve such injustices.

There is no notion of justice for the wives. They may be treated as they wish, whether their husbands or men want them. The Qur’an does not accept this situation, because its main project is to defend the rights of men and women. The Qur’an provides a middle way, by massage those men and women are equal. While continuing to signal equality, the Qur’an also tries to provide solutions that are more acceptable to a male-dominated society. The Qur’an gives the understanding that the permissibility of polygamy has been conditional on just and in a limited amount. The Qur’an also warns that polygamy is not a pleasant solution.

The Qur’anic verse starts with: “If you fear that you may not deal fairly by the orphans.” (Verse 3) It is, then, a question of taking precautions and making sure to be on the safe side, fearing God’s punishment, when a guardian suspects that he is not extending fair treatment to an orphan girl in his care. Because Islam does not encourage female infanticide or celibacy,” allowing a man to be lawfully wedded to multiple wives "seems the only reasonable alternative to meet the needs of women for protection and care (Journal & Johnson, 2005). The verse is general and does not speak of any particular area where fairness is
essential. What it requires is that orphans must be treated fairly, in every sense of the word and in all situations, whether relating to dowry or any other aspect. If a guardian seeks to marry an orphan girl for her money, then he is motivated by his desire to absorb her property, and not by any affection he has for her or by any feeling that her personality makes her a suitable wife for him. Unfairness also comes up when a defender marries an orphan girl nevertheless of the wide deviations in age among them. This makes a joyfully married life rather weak, and does not give due regard to the girl's senses in the matter. Indeed, she may be powerless to convey her senses, either out of reserve or because she fears that if she ignores her defender, he will waste her wealth. Many other conditions and events may make it hard to keep fairness. Therefore, The Qur'an establishes one's values as well as fear of God as the notice guards. The opening verse of this surah, which sets the scene for all these legal provisions and directives, concludes with the reminder: "God is ever watching over you."

When the guardians are unsure about their ability to maintain fairness with orphan girls in their charge, they should turn elsewhere for marriage. In this way, they convey all feelings of dealing unfairly with their word: "If you fear that you may not deal fairly by the orphans, you may marry other women may be agreeable to you, two or three or four. But if you worry that you will not be able to care fairness among them, then marry only one, or those whom your right hands own. That makes it more likely that you will not do injustice." (Verse 3)

This concession protects society from deviation into immorality and protects the wife from being treated unjustly and safeguards her dignity. Moreover, it maintains justice, which helps tolerate a bitter pill. If certain generation abuses this concession and men utilize it to make married life nothing more than a means to satisfy their carnal desires, creating the notorious harem, the blame should not be put on Islam's doorstep. Such people do not represent Islam. Indeed, they have sunk so low because they have deviated far away from Islam and have not appreciated its requirements of purity and cleanliness. They do not live in a society where Islam is practiced and its law is observed. Their society is not one where an Islamic authority rules according to the Islamic constitution and which implements the laws and directives of Islam observing its moral traditions.

The early generations of commentators such as Ibn Abbas, Mujahid, Qatadah, al-Hasan, etc. agreed that the meaning and purpose of justice in Surah An-Nisa' verse 3 is fair in terms of what a person can or may do. Husbands, such as being fair in equalizing qasam (parts) when rotating wives, fair in giving the amount of money for living without discriminating, fair in providing a place to live, fair in dealing with them.

Amina Wadud also highlighted the justice referred to in the verse. According to her, justice must be based on the quality of time and equality in terms of love, spiritual, moral, and intellectual support (Wadud, 1995). These general understandings of social justice must be considered as part of the fair treatment of wives. QS al-Nisa' /4:3, talks about polygamy by emphasizing the conditions of justice, namely being fair in managing funds, being fair to orphans, being fair to wives, and another fair effort.

The final comment on this verse refers to the purpose behind all these legal provisions. They all aim at defending fairness and preventing injustice: "That establish it more likely that you will not do injustice." (Verse 3) All that — including preventing marrying orphan girls for fear of dealing unjustly with them, marrying other women, including the compromise of polygamy on the one hand and restricting oneself to one wife on the other when unfairness is feared, and the law regarding servant women — "creates it more likely that you will not do injustice." Indeed, each one of these facilities helps to prevent injustice. The acquirement of justice, is the major reason for this system and the purpose of its every detail. It is most valuable that justice should be perceived in the family home, since the family is the basic unit of the whole social system, and the starting point for circle life. It is in the family home that
the young are brought up in their formative years. If justice, affection, and peace are lacking in the family home, they cannot be realized in society at large.

**Perspective the Fair in Surah An-Nisa’ Verse 129**

وَلَا تَنفَعَكُمْ أَنْ تَعْلَمُوا بِنَسَاءٍ وَلَا حُرْصَتُكُمْ فَلا تَدْفَعِينَ مَنْ يُرْضِيُهَا وَلَا تَنْصَبُوا فَاكْتُبْنَى فَإِنَّ اللَّهَ كَانَ عُفْوًا رَحِيمًا

In verse 129, Allah SWT uses a negative sentence form with the word “nafilan” which means “never”. Certainty, that it happened, no one can deny it. Even the nature of justice, in this case, cannot be achieved by a prophet. The love of the Prophet Muhammad for Sayyidah Khadijah was so great, more than the love of the Prophet for other wives. Until Sayyidah Aisyah was often jealous of Sayyidah Khadijah.

It is about this aspect that God rules out the possibility of maintaining justice between one’s wife in a later verse in this surah which states: “In no way can you maintain equity between your wives, even though you may be keen to do so. Do not, then, be partial towards one to the exclusion of the other, leaving her, as it were, in a state of suspense.” (Verse 129) Some people quote this verse in support of their argument that Islam does not permit polygamy. What we have to remember is that God’s law does not permit anything in one verse and then forbid it in another, like one who takes away with his right hand what he has given his left. The fairness required in the earlier verse is that which relates to treatment, financial support, and other practical aspects of married life. It is when one feels unable to maintain this type of fairness that one must not marry more than one wife. What this means is that nothing should be withheld from one wife when it is allowed to another. This is what the Prophet, the noblest and fairest man ever to have walked on this earth, used to maintain at the time when everyone around him, including his wife, was fully aware that he interested ‘A’ishah most, and perceived for her what he did not know for any of his other wives. Hearts and effects are not subject to our rule. They are commanded only by God’s will.

In Islam, a man is allowed to marry up to four women at the same time (polygamy) based on evidence from the Qur’an and the hadith of the Prophet Muhammad. Of course, with the conditions stated in the letter an-Nisa’ verse 3, namely to be fair. In this sense of justice, commentators such as ath-Tabari, az-Zamakhshyari, ar-Razi, Ibn Kathir, al-Alusi, Muhammad Abduh, Rashid Rida, al-Maraghi, and Hamka distinguish it from the meaning of fairness contained in the letter an-Nisa verse 129, namely justice in the letter an-Nisa verse 3 is justice that is outward in nature, whether it concerns living, sexual intercourse, or something else that can be measured. Meanwhile, in the letter an-Nisa verse 129, what is meant by justice is justice that is spiritual, either in the form of affection, love, or feelings that cannot be measured with reliability.

If a person believes that he is only fair with two wives, then it is forbidden for him to marry a third time, and so on. With that, it can be understood that if only with one wife, he is not able to do justice in material matters, then it is forbidden for him to marry a second one. For this reason, polygamy is not something that is then taken lightly, so it is easy for someone to have more than one wife even though they do not know how hard the conditions are to realize. Thus, a man who wants to have more than one wife is encouraged to think carefully about whether he can do justice or not. If that is not done, then polygamy should not be done, because as stated by the Prophet SAW when he prevented Ali bin Abi Talib from wanting to have polygamy. Inappropriate, polygamy can harm the other party, so that instead of getting benefits but instead brings harm.

From the presentation of the semantic analysis above, the world view of the word al-'Adl becomes clear. That is a form of manifestation of faith, piety, and obedience of servants to the creator. This can give us a complete meaning to the vocabulary of justice in the Qur'an. Hopefully, this can increase our insight and admiration for the Qur'an (Dangor, 2001).
Amina Wadud considers that the verse is the basic requirement for justice to practice polygamy, which is difficult to achieve, maybe even impossible to implement (Wadud, 1995). Because the verse has emphasized by saying that man will not be able to do justice to his wives, even though he has a very passionate desire to do justice.

It should be understood together that, not everything that was made by the Prophet Muhammad should be imitated, as everything that is obligatory for the Messenger of Allah, is also obligatory for his people. Isn't, it obligatory for the Messenger of Allah to pray at night and not receive zakat? Doesn't the Prophet's ablution not break when he sleeps? Do they want to imitate the Messenger of Allah in terms of marriage? If this is true, then it is necessary to clearly state that all the women he married except Aisyah ra., were widows and all of them intended to make Da'wah successful or help and save women who lost their husbands on the battlefield, and in general, women are known to have no appeal.

If the pretext is to follow the Sunnah of the Messenger of Allah, then practicing the Sunnah of the Prophet, it should be done in full without regard to other things that the Prophet did. So that, the impression of the discourse following the Sunnah of the Prophet is truly pure from what the Messenger of Allah ordered, not as the legality of the desire for lust based on the Sunnah. Because, to do polygamy certain rules must be fulfilled, not necessarily polygamy because of the desire of lust.

**Conclusion**

From the explanations of the scholars of interpretation above, we can distinguish the meaning of fair in the two verses. So that, we do not misunderstand those who are anti-polygamy just because they do not understand the meaning of fairness in each verse. However, even so, a husband is still not allowed to be caught up in the excessive nature of giving a portion of attention to one of his wives, while the other receives less attention like a floating object. If that happens, it will have a negative effect, such as being overly jealous, which gives birth to jealousy and envy between wives. The world view of the word *al-'Adl* becomes clear. That is a form of manifestation of faith, piety, and obedience of servants to the creator. This can give us a complete meaning to the vocabulary of justice in the Qur'an. Hopefully, this can increase our insight and admiration for the Qur'an.

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