

## THE RIGHTS COMPLIANCE OF PEOPLE WITH SENSORY DISABILITIES PERSPECTIVE OF TAFSIR MAQASHIDI

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### Abstract

The purpose of this article is to provide greater information on Tafsir Maqashidi's research on the rights of individuals with sensory impairments. persons with sensory disabilities have the right to the same treatment as normal persons in their situation as *mukallaf*. The descriptive-analytical method is being used in this library research study. Research information relevant to the topic has been gathered from books, journals, fiqh books, and other sources. The findings showed that the major goals (maqashid) of the Al-Qur'anic verses addressing individuals with sensory impairments are to uphold religious precepts, acknowledge their existence in their human capacities, and emphasize the significance of treating them with inclusivity. These services, which are all offered to individuals with sensory impairments, are founded on equality, justice, accountability, and human values. In order for people with sensory disabilities to participate fully in religious, educational, and social events, accessibility and facilities must be provided. This is how the goals and values expressed in the verses that relate to them are to be implemented. Serving as a prayer leader, leading congregational prayers at the mosque,

learning science, having the Al-Qur'an available in *braille*, and so forth are a number of instances.

**Keywords:** Accessibility, Sensory Disabilities, Rights, Tafsir Maqashidi

### Abstrak

Tulisan ini bertujuan mengelaborasi kajian tafsir maqashidi terhadap pemenuhan hak penyandang disabilitas sensorik. Dalam kedudukannya sebagai *mukallaf*, penyandang disabilitas sensorik memiliki hak untuk mendapatkan perlakuan yang sama dan setara seperti mereka yang normal. Penelitian ini adalah *library research* dengan menggunakan pendekatan deskriptif analitis. Data penelitian bersumber dari literatur buku, jurnal, kitab fiqh, dan lainnya yang memiliki korelasi dengan pembahasan. Hasil pembahasan menemukan bahwa ayat-ayat al-Qur'an yang menyinggung tentang penyandang disabilitas sensorik memuat maksud-maksud (maqashid) utama berupa menjaga prinsip agama, pengakuan terhadap keberadaan mereka dalam kapasitas sebagai manusia, dan kesadaran pentingnya memperlakukan mereka secara inklusi. Semua hal tersebut diberikan kepada penyandang disabilitas sensorik didasarkan pada nilai-nilai kemanusiaan, kesetaraan dan keadilan, serta tanggung jawab. Adanya maksud dan nilai yang terkandung dalam ayat-ayat yang menyinggung tentang penyandang disabilitas sensorik harus diwujudkan dalam aksi nyata berupa penyediaan aksesibilitas dan fasilitas agar mereka mampu berperan aktif dalam kegiatan-kegiatan keagamaan, pendidikan, maupun sosial. Misalnya, berperan sebagai imam shalat, pergi ke masjid mengikuti shalat berjamaah, mendapatkan pengajaran ilmu pengetahuan, ketersediaan al-Qur'an berbahasa braille, dan sebagainya.

**Kata Kunci:** Aksesibilitas, Disabilitas Sensorik, Hak, Tafsir Maqashidi

### Introduction

The term disability means incapacity. In terms of terminology, disability is defined as the inability of a person to perform a task that another person can perform or as a result of defective physical or mental development.<sup>1</sup> According to WHO's classification, persons with impairments are divided into at least three categories: 1) *Impairment*: this refers to people who are physically powerless as a result of mental or physiological limitations. This group includes those who are intellectually impaired, blind, deaf, crippled, or disabled in some other way. 2) *Disability*, which is the incapacity resulting from an impaired condition to perform activities on one's own like a normal individual. 3) *Handicap*: a person's incapacity to actively participate in his

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<sup>1</sup> Husamah, *A to Z Kamus Psikologi Super Lengkap* (Yogyakarta: Andi Offset, 2015), 83.

socioeconomic role as a result of physical and psychological flaws. External causes, such as cultural stigma or social marginalization, are typically accountable for this.<sup>2</sup>

It is impossible to separate how society regards those with disabilities from how they are treated. Adherents of the normalist perspective perceive those with disabilities as a "disgrace" and "different" from the general population, and as such, they are frequently looked down upon or ignored in social situations.<sup>3</sup> Due to the fact that nearly all public spaces are intended for regular people, it can be challenging for people with disabilities to live in normative societies on a daily basis.

Additionally, there are civilizations that see disabilities from a medical or personal standpoint, treating each person's condition as an individual issue. Ultimately, this makes it difficult to engage in about regular activities with other people. One illustration of this viewpoint is the belief that people who are paralyzed cannot go to school, engage in social activities, and so forth.<sup>4</sup> People with impairments will therefore be viewed as individuals who require a return to "normal" in society as a whole.<sup>5</sup> Thus, the goal of treatment is to improve the disability's functional state and enable the patient to start living a regular life in the community.<sup>6</sup> Government programs that help individuals with disabilities with social support, special schools (SLB), and medical rehabilitation are common examples of this.<sup>7</sup>

Moreover, there exists a mystical viewpoint that regards the experiences of those with disabilities as a predetermined way of life, predestined by God, that needs to be accepted and surrendered to.<sup>8</sup> Covey's research indicates that a lot of individuals think that persons with disabilities are social outcasts, the product of bad spirits, the consequence of past sins, retribution from God, or simply different from normal

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<sup>2</sup> Tim Jurnal Perempuan, *Mencari Ruang Untuk Difabel* (Jakarta Selatan: Yayasan JYP Jurnal Perempuan, 2021), 37.

<sup>3</sup> The term Normalism Perspective or in English is sometimes called "normalist view" used by David Bolt, *Changing Social Attitudes Toward Disability: Perspectives from Historical, Cultural, and Educational Studies* (London: Taylor & Francis, 2014), 37. also Bob dan Colin Beacock Gates, *Dimensions of Learning Disability* (Michigan: Baillière Tindall, 1997), h. 162. In disability studies in Indonesia, this term is used for example by Isabella Novsima Sinulingga, "Keindahan Dalam Disabilitas," *Indonesian Journal of Theology* 3, no. 1 (2015): 35–60, <https://doi.org/10.46567/ijt.v3i1.64>.

<sup>4</sup> Barnes Colin and Geof Mercer, *Illness and Disability: Exploring the Divide* (t.tp: The Disability Press, 1996), 9-54. P Wood, *International Classification of Impairments, Disabilities and Handicaps* (Geneva: World Health Organization, 1980), h. 44. M. Joni Yulianto, "Konsepsi Disabilitas Dan Pendidikan Inklusif," *Inklusi* 1, no. 1 (2014): 19, <https://doi.org/10.14421/ijds.010102...>

<sup>5</sup> Kristiansen Kristjana et al, *Arguing about Disability: Philosophical Perspectives* (New York: Routledge, 2009), 2.

<sup>6</sup> Angi and Gretchen Butera Stone-MacDonald1, "Cultural Beliefs and Attitudes about Disability in East Africa," *Review of Disability Studies An International Journal* 8, no. 1 (2014); 3. <http://www.ainfo.inia.uv/digital/bitstream/item/7130/1/LUZARDO-BUIATRIA-2017.pdf>.

<sup>7</sup> Darren A. Brown et al., "Prevalence, Severity, and Risk Factors of Disability among Adults Living with HIV Accessing Routine Outpatient HIV Care in London, United Kingdom (UK): A Cross-Sectional Self-Report Study," *PLoS ONE* 17, no. 5 May (2022): 1–24, <https://doi.org/10.1371/journal.pone.0267271>.

<sup>8</sup> Rifki Awati Jamaludin dan Zahara, "Penguatan Hak-Hak Dasar Manusia (Huququl Insani) Dalam Penyandang Disabilitas(Difabel) Perspektif Fiqh Islam," *Legitima* 2, no. 2 (2020): 244–69.

people. The prevailing belief in society that those with disabilities are merely a burden is ultimately created by these kinds of presumptions.<sup>9</sup>

People with disabilities are also stigmatized negatively by this style of thinking. According to Widyastutik's research, people with disabilities frequently experience a variety of kinds of stigma, including bullying, humiliation, discrimination, and demeaning remarks. As a result, these individuals are frequently viewed as a burden on their families and an unnecessary member of society.<sup>10</sup> According to Karuniasih's research, stigma toward those with disabilities can be viewed from both an internal and an external perspective. When a person with a disability believes that he causes distress to those around him, he may label himself with an internal stigma. On the other hand, external stigma refers to the belief held by those in their immediate vicinity that those with disabilities are unique or even abnormal, and as such, incapable of performing any meaningful work.<sup>11</sup>

In response to the stigma previously mentioned, every person with a disability possesses a unique character based on their mental development level as well as the social and physical environments in which they reside. Among them are those who protect or defend themselves against this stigma. He really uses the stigma of those around him as inspiration and encouragement in life to show that he is not limited in his ability to work and advance his skills. In addition, the stigma associated with disability serves as a lesson in life for those who experience it, helping them to develop mental toughness and persevere in proving their skills.<sup>12</sup>

But many disabled people who experience social stigma, particularly those in their teens, experience depression. This occurs as a result of the lack of correlation between hopes, wants, and actual circumstances. Teens typically have a strong need to acknowledge themselves and discover who they are, but due to their inadequate skills, this desire cannot be satisfied. His mental and emotional stability is thus affected, and he feels hampered.<sup>13</sup> People with sudden (accidental) or congenital (from birth) disabilities also go through the same thing. Most of them are unable to accept their

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<sup>9</sup> Herbert C. Covey Covey, *Social Perceptions of People with Disabilities in History* (Springfield: Charles C Thomas Pub, 1998).

<sup>10</sup> Widyastutik, Cahyani dan Farid Pribadi, "Makna Stigma Sosial Bagi Disabilitas Di Desa Semen Kecamatan Paron Kabupaten Ngawi," *Jurnal Paradigma Hukum Pembangunan* 10, no. 1 (2021): 1–23, <https://ejournal.unesa.ac.id/index.php/paradigma/article/view/40700/35213>. Dayanti, Fitria and Farid Pribadi, "Dukungan Sosial Keluarga Penyandang Disabilitas Dalam Keterbukaan Akses Menempuh Pendidikan," *SOSIOHUMANIORA: Jurnal Ilmiah Ilmu Sosial Dan Humaniora* 8, no. 1 (2022): 46–53, <https://doi.org/10.30738/sosio.v8i1.11481..>

<sup>11</sup> Ni Nyoman Mika Putri Karuniasih, Wahyu Budi Nugroho, and Gede Kamajaya, "Tinjauan Fenomenologi Atas Stigmatisasi Sosial Penyandang Disabilitas Tunarungu," *Jurnal Ilmiah Sosiologi (SOROT)* 3, no. 1 (2019): 7–37. <https://ojs.unud.ac.id/index.php/sorot/article/view/26174%0Ahttps://journal.uib.ac.id/index.php/combines%0Ahttps://>

<sup>12</sup> Widyastutik, "Makna Stigma Sosial Bagi Disabilitas Di Desa Semen Kecamatan Paron Kabupaten Ngawi."

<sup>13</sup> Karuniasih, Nugroho, and Kamajaya, "Tinjauan Fenomenologi Atas Stigmatisasi Sosial Penyandang Disabilitas Tunarungu."

disability, which makes them depressed, unstable emotionally, and prone to believing that the world is unfair.

According to the author, social exclusion for people with disabilities starts with the existence of stigma and prejudice such as the ones mentioned above. People with disabilities who are socially excluded have restricted access to political, social, economic, and cultural settings. To put it bluntly, social exclusion occurs when persons' civil, political, and social rights are not respected due to certain constraints. Ultimately, the limited public services and facilities available to those with disabilities are impacted by this social marginalization. For instance, using road facilities can be neither safe or comfortable for those with impairments. The identical situation applies for other public amenities like parks, buses, trains, restrooms, and so forth. Consequently, it appears that individuals with impairments are compelled to constantly require assistance from others in order to engage in social activities.<sup>14</sup>

However, fulfilling religious commitments can provide challenges for individuals with impairments. When it comes to worship, they find it challenging as most houses of worship are constructed and inaccessible. The identical situation applies for other issues, like the absence of religious literature (hadith, fiqh, and the al-Al-Qur'an) that is appropriate for individuals with disabilities. The absence of braille reading materials for the blind undoubtedly makes it difficult for them to learn religion or the proper forms of independent worship.<sup>15</sup>

The author believes that a new, positive paradigm is necessary for individuals with disabilities, particularly with regard to fulfilling their religious commitments, based on the rationale provided above. Since their limitations are more easily addressed than those with mental and intellectual disabilities, the author gives particular attention to people with sensory disabilities<sup>16</sup>. Consequently, the provision of access or convenience in connection with the performance of religious rituals or activities can continue to be a part of the treatment of individuals with sensory difficulties.

The Al-Qur'an itself has mentioned several terms, such as *ala'ma*, *as-shumm*, *al-bukm*, and *al-a'roj*, which refer to the meaning of people with disabilities. The Al-Qur'an actually accommodates people with disabilities, both in terms of treatment, life guarantees, and guarantees of civil rights as citizens, and so on. QS. an-Nur [24]: 61 is

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<sup>14</sup> LBM PBNU, *Fiqh Penguatan Penyandang Disabilitas* (Jakarta: LBM PBNU, 2018), h. viii.

<sup>15</sup> LBM PBNU.

<sup>16</sup> Dalam ilmu sosial, sebutan penyandang disabilitas merujuk kepada orang yang memiliki kelainan fisik atau non-fisik. Secara umum, disabilitas dapat dibedakan menjadi tiga jenis, yaitu: 1) Kelainan secara fisik yang terdiri dari tunanetra, tunadaksa, tunarungu, dan tunarungu wicara; 2) Kelainan secara non-fisik yang terdiri dari tunagrahita, tunalaras, dan autisme, dan 3) Kelainan ganda yaitu mengalami lebih dari satu jenis kelainan. Akhmad Sholeh, "Islam Dan Penyandang Disabilitas: Telaah Hak Aksesibilitas Penyandang Disabilitas Dalam Sistem Pendidikan Di Indonesia," *Jurnal Palastren* 8, no. 2 (2015): 293–320. Frieda Mangunsong, *Psikologi Dan Pendidikan Anak Berkebutuhan Khusus* (Depok: LPSP3 UI, 2011), 148.

one of several verses that touches on people with disabilities. Unfortunately, not many people try to reveal the maqashid behind these verses.

According to the author's study, Ahmad Jaeni is one of the titles on the issue of disability in the Al-Qur'an that have appeared in a number of papers.<sup>17</sup> For instance, he encourages readers to explore the universal rights of those with disabilities. Ahmad Muttaqin also conveyed this<sup>18</sup> which explains how to prioritize the term al-a'ma in the context of understanding the existence of blind people with disabilities in social life. Then Nurul Arifah Hilda's thesis<sup>19</sup> and Wahyuni<sup>20</sup> seeks to figure out how the discourse on disability is interpreted from the viewpoint of the Al-Qur'an. The author searched for studies and scholarly papers addressing the topic of disability from the perspective of the Al-Qur'an, but was unable to locate any that particularly addressed the values and maqashid underlying the ethical verses pertaining to individuals with disabilities. The novelty offered by the author in this article is a discussion of ethics towards people with disabilities, which is discussed in its entirety using a maqashidi interpretation perspective.

The author employs Abdul Mustaqim's maqashidi interpretation technique to address the aforementioned issues. Tafsir maqashidi is an approach to Al-Qur'anic interpretation that focuses on investigating the meanings of the Al-Qur'an using the theories of Maqashidi Al-Syari'ah and Maqashid Al-Qur'an simultaneously. The goal of this approach is to achieve both narrow and wide definitions of benefit realization and damage avoidance (mafsadah).<sup>21</sup> The purpose of using this maqashidi interpretation is to ensure that the meaning of the Al-Qur'an verses, particularly in relation to the topic of individuals with disabilities, extends beyond the literal meaning and instead reaches the essential message and value content of the verses under study.

### Al-Qur'an Allusion to the Rights of People with Sensory Disabilities

In the Al-Qur'an you can find equivalent words that mean sensory disability, namely:

#### 1. *A'mâ*, *'Umyun*, or *Akmah* group (*blind/blind*)

The diction used by the Al-Qur'an to refer to blind people is *a'mâ*, *'umyûn*, or *akmah*. The diction *a'mâ* (اعمى) or *'umyûn* (عمى) means complete absence of visual

<sup>17</sup> Fajar Fajar, "Pemenuhan Hak-Hak Kaum Difabel Dalam Kerangka Hak Azasi Manusia," *Al-Bayyinah* 3, no. 2 (2019): 121–45, <https://doi.org/10.35673/al-bayyinah.v3i2.332>. Arina Alfiani & Sulaiman, "Hak-Hak Kaum Difabel Dalam Al-Qur'an (Meneladani Kisah Pada QS. 'ABASA (80) 1-10)," *Mukaddimah: Jurnal Studi Islam* 7, no. 2 (2022): 1–10, <https://doi.org/10.14421/mjsi.72.2967>.

<sup>18</sup> Ahmad Muttaqin, "Etika Sosial Terhadap Difabel Netra: Analisis Semantik Alquran," *Inklusi* 6, no. 1 (2019): 71, <https://doi.org/10.14421/ijds.060104>.

<sup>19</sup> Nurul Arifah Hilda, "Diskursus Difabel Dalam Al-Qur'an" (Institut Ilmu Al-Quran, 2022).

<sup>20</sup> Wahyuni, Hubbab, Mukhammad, "Etika Terhadap Penyandang Disabilitas Perspektif Tafsir Maqashidi," *Jurnal Kajian Islam Interdisipliner* 7, no. 2 (2022): 131–50, <https://doi.org/10.14421/jkii.v7i2.1329>.

<sup>21</sup> Abdul Mustaqim, "Argumentasi Keniscayaan Tafsir Maqashidi Sebagai Basis Moderasi Islam", Pidato, Pengukuhan Guru Besar Bidang Uloomul Quran Pada Fakultas Ushuluddin Dan Pemikiran Islam Universitas Islam Negeri (UIN) Sunan Kalijaga," *UIN Sunan Kalijaga* 9 (2019): 45–49.

ability.<sup>22</sup> The derivation of the words used is in the form of *fi'il madhi 'ama*, in the form of *fi'il mudhâri' ya'mâ* and in the form of *masdar 'aman*.<sup>23</sup> The dictions *a'mâ*, *'umyun* and *akmah* have the same meaning, namely blind people, but the connotations are different. If *a'mâ* or *umyun* means total blindness,<sup>24</sup> whereas the word "*akmah*" denotes low vision or blindness.<sup>25</sup>

In connection with the Al-Qur'an's allusion to the access rights of people with sensory disabilities, it can be seen from the context of the discussion of the Al-Qur'an verse. The author's research findings indicate that the term *a'mâ* or *umyun* explains parables, attitudes toward individuals with vision impairments, and responses to those who reject the mandates of Allah SWT. The term *a'mâ*, which denotes a physical handicap (blindness), shall be the exclusive topic of discussion in this article in order to highlight the Al-Qur'an reference to their right of access. The following are some verses that address this:

أَنَّ جَاءَهُ الْأَعْمَى (٢)

Translation: "because the blind man came to him (Abdullâh bin Ummi Maktûm)." ('Abasa/80: 2)

The verse above was revealed as a gentle warning to Rasulullah SAW to show an attitude of respect and a sweet face towards blind people (*a'mâ*) who asked him for teaching.<sup>26</sup> The reference to Abdullah bin Ummi Maktum, a blind man, in this verse serves as a *'illat* (excuse) for the justification that has to be provided in the event that he interrupted the Prophet's conversation. It could be that the Prophet's anger and turning away from him were brought on by this sight impairment. It appears as though Allah SWT said : *because of his blindness, you (Muhammad) should be more merciful and gentle towards him*.<sup>27</sup> This verse therefore sends a message to everyone, telling them to treat persons with disabilities, especially the blind, with compassion and not

<sup>22</sup> Ibnu Mazhûr, *Lisan Al-A'rab*, Jilid 4 (Beirut: Dâr Shadir, 2010), 3115.

<sup>23</sup> Term *a'mâ* dan derivasinya disebutkan sebanyak 33 kali dalam 30 ayat yang tersebar dalam 21 surat, yakni: al-Baqarah/2: 18, 171, al-Maidah/5: 71, al-An'am/6: 50, 104, al-A'raf/7: 64, Yunus/10: 43, Hud/11: 24, ar-Ra'd/13: 16, 19, al-Isra/17: 72, 97, Thaha/20: 124, 125, al-Hajj/22: 46, an-Nur/24: 61, al-Furqan/25: 73, an-Naml/27: 66, 81, al-Qashash/28: 66, ar-Rum/30: 53, Fatir/35: 19, Ghafir/40: 58, Fushshilat/41: 17, az-Zukhruf/43: 40, Muhammad/47: 23, al-Fath/48: 17 dan 'Abasa/80: 2. Al-Baqi Muhamamd Fuad Abdul, *Mu'jam Mufâhras Li Alfâzh Al-Al-Qur'an* (Beirut: Dâr al-Fikr, 1981), 488-489.

<sup>24</sup> Aqila Smart, *Anak Cacat Bukan Kiamat: Metode Pembelajaran & Terapi Untuk Anak Berkebutuhan Khusus* (Yogyakarta: Ar-Ruzz Media, 2010), 36.

<sup>25</sup> The blind consist of two categories, namely: totally blind and low vision. Low vision are those who, when they see something, have to bring their eyes closer together, or whose eyes have to be moved further away from the object they are seeing, or those who have blurred vision when looking at an object. To overcome their vision problems, low-vision sufferers use glasses or contact lenses. Meita Shanty, *Strategi Belajar Khusus Untuk Anak Berkebutuhan Khusus* (Yogyakarta: Familia, 2015), 30. Smart, *Anak Cacat Bukan Kiamat: Metode Pembelajaran & Terapi Untuk Anak Berkebutuhan Khusus*.

<sup>26</sup> Hamka, *Tafsir Al Azhar*, Juz 30 (Jakarta: Pustaka Panjimas, 2013), 44.

<sup>27</sup> Al-Marâgî, Ahmad Musthafâ, *Tafsir Al-Marâgî*, juz 30 (Kairo: Musthafa Babi al Halabî, 2017), 39.

to stigmatize them because, in reality, they are equal to individuals without disabilities and have the same rights as everyone else.<sup>28</sup>

This verse makes it clear that, despite the fact that the disabled person is unaware of what is happening to him, God is aware of it and values him despite his physical shortcomings. Maqasidiyyah, or what Q.S 'Abasa is a way in which the Al-Qur'an acknowledges the existence of people with disabilities." It follows naturally that all of their rights and responsibilities will be fulfilled once people with disabilities are acknowledged as human beings.

The following paragraph also discusses the rights of those with visual impairments to access, specifically:

لَيْسَ عَلَى الْأَعْمَى حَرْجٌ وَلَا عَلَى الْأَعْرَجِ حَرْجٌ وَلَا عَلَى الْمَرِيضِ حَرْجٌ وَلَا عَلَى أَنْفُسِكُمْ أَنْ تَأْكُلُوا مِنْ بُيُوتِكُمْ أَوْ بُيُوتِ آبَائِكُمْ أَوْ بُيُوتِ أُمَّهَاتِكُمْ أَوْ بُيُوتِ إِخْوَانِكُمْ أَوْ بُيُوتِ أَخَوَاتِكُمْ أَوْ بُيُوتِ أَعْمَامِكُمْ أَوْ بُيُوتِ عَمَّاتِكُمْ أَوْ بُيُوتِ أَخْوَالِكُمْ أَوْ بُيُوتِ خَالَاتِكُمْ أَوْ مَا مَلَكَتُمْ مَفَاتِحَهُ أَوْ صَدِيقِكُمْ ۗ لَيْسَ عَلَيْكُمْ جُنَاحٌ أَنْ تَأْكُلُوا جَمِيعًا أَوْ أَشْتَاتًا ۗ فَإِذَا دَخَلْتُمْ بُيُوتًا فَسَلِّمُوا عَلَى أَنْفُسِكُمْ تَحِيَّةً مِنْ عِنْدِ اللَّهِ مُبَارَكَةٌ طَيِّبَةٌ ۗ كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ الْآيَاتِ لَعَلَّكُمْ تَعْقِلُونَ (٦١)

Translation: "There is no restriction on the blind, or the disabled, or the sick Nor on yourselves if you eat from your homes, or the homes of your fathers, or your mothers, or your brothers, or your sisters, or your paternal uncles, or your paternal aunts, or your maternal uncles, or your maternal aunts, or from the homes in your trust, or 'the homes of' your friends. There is no blame on you eating together or separately. However, when you enter houses, greet one another with a greeting 'of peace' from Allah, blessed and good. This is how Allah makes His revelations clear to you, so perhaps you will understand.'" (an-Nur/24: 61)

According to Al-Marâgî, the context of this verse is that Muslims find it difficult and uneasy to eat in the company of the blind, the crippled, and the ill. This is due to the fact that sick people frequently are unable to appreciate the food offered, blind people occasionally are unable to notice other people dining before them, and crippled people occasionally bother the people next to them with the way they sit. Adh-Dhahhak claims that certain Medina residents have the custom of avoiding eating with the blind and ill because they find it awkward and are afraid of upsetting them.<sup>29</sup>

Etymologically, the word haraj means narrowness, while in terms of sharia terminology it means sin. The repetition of the word haraj in the verse above shows the benefit of affirmation (*ta'kid*) that it is not a problem for people with disabilities or

<sup>28</sup> Ridho Riyadi, "Hak Dan Kebutuhan Dasar Penyandang Disabilitas Di Dalam Al-Quran," *Studia Quranika* 7, no. 1 (2022): 93, <https://doi.org/10.21111/studiquan.v7i1.6620>.

<sup>29</sup> al-Tabarî Abu Ja'far Muhammad bin Jarîr, *Jami Al-Bayân 'an Ta'Wil Âyi Al-Al-Qur'an*, Juz 6 (Kairo: Dâr Hajar, 2001), 626-627. Al-Marâgî, *Tafsîr Al-Marâgî*.



other physical limitations to be able to eat together with other normal people. Moreover, the affirmation was even followed by detailed mention of father, mother, brothers, uncles and so on. This shows that eating and gathering with people with disabilities does not bring harm or any negative impacts as they previously believed.

The ability to eat with people who have certain constraints is then confirmed by the verse above. This verse conveys the idea that persons with disabilities have the same rights as everyone else, according to the author. Their shortcomings shouldn't be a justification for restricting their social accessibility or stigmatizing them. Conversely, regular groups ought to set up and provide settings that facilitate the work of disability groups. Quraish Shihab should take note of the fact that this verse pertains to religious obligations; it indicates that *rukhsah* is available for the blind group to fulfill perfect obligations requiring the use of eyesight, for crippled people to fulfill obligations requiring the use of healthy legs, and for sick people to fulfill tasks requiring the use of healthy legs. requirements that can't be carried out unless one is well, like the fasting commitment.<sup>30</sup>

The author highlights the viewpoint expressed by Quraish Shihab above, according to which this ability is *rukhsah* (relief) and does not entirely remove the capacity to fulfill these religious duties. Therefore, those with impairments will still be able to fulfill their religious commitments if the factors that lead to the granting of *rukhsah* (relief) may be reduced or eliminated. A blind individual, for instance, can lessen his visual impairment by receiving a *braille* copy of the Al-Al-Qur'an if he truly wants to reap the benefits of reading it despite his inability to see the verses written.

In contrast to religious obligations that require physical strength and skills, such as jihad on the battlefield, there are verses that indicate the non-involvement of people with visual disabilities in them. Allah SWT says:

لَيْسَ عَلَى الْأَعْمَى حَرْجٌ وَلَا عَلَى الْأَعْرَجِ حَرْجٌ وَلَا عَلَى الْمَرِيضِ حَرْجٌ ۖ وَمَنْ يُطِيعِ اللَّهَ وَرَسُولَهُ يُدْخِلْهُ جَنَّاتٍ  
تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ ۖ وَمَنْ يَتَوَلَّ يُعَذِّبْهُ عَذَابًا أَلِيمًا (١٧)

Translation: "There is no blame on the blind, or the disabled, or the sick 'for staying behind'. And whoever obeys Allah and His Messenger will be admitted by Him into Gardens under which rivers flow. But whoever turns away will be subjected by Him to a painful punishment." (al-Fath/48: 17)

According to Quraish Shihab's interpretation of the passage above, the fact that it does not specify "except the blind" and other such terms suggests that the load of responsibility has been released. This implies that they were not burdened with going to battle right away, proving that this group was not excluded.<sup>31</sup> A similar opinion was expressed by Ibn Katsîr that in the case of jihad, the existence of syar'i limitations in

<sup>30</sup> Shihab, M. Quraish, *Tafsir Al-Mishbah; Pesan Kesan Dan Keserasian Al-Quran*, Jilid 8 (Jakarta: Lentera Hati, 2013), 613.

<sup>31</sup> Shihab, *Tafsir Al-Mishbah; Pesan Kesan Dan Keserasian Al-Quran*.

the form of visual disabilities, limping, and illness is the reason why they are allowed not to participate in war jihad.<sup>32</sup>

Nonetheless, the author believes that the assertion that sin does not exist should clarify how the lack of sin indicates that their existence is unhindered. For it's possible that Muslims can benefit in some way from the presence of those with an explanation. It is also possible to argue that allowing disabled individuals to remain off the battlefield does not take away their ability to follow Islamic commands and benefit from jihad. Indeed, protecting their souls is one of the fundamental rights that Allah SWT has granted them, and this can be considered as their fulfillment of that right. They will almost certainly risk their lives if they are made to participate in jihad. As a result, religion forbids it by relieving them of their duty to wage jihad.

## 2. *Shummun* and *Bukmun* Group (Deaf and Speech Sensory Disabilities)

The diction *shummun* means deaf, while *bukmun* means mute<sup>33</sup> (incapable of speaking because humans are typically built to be able to speak).<sup>34</sup> In the Al-Al-Qur'an, the context of discussion of the term *shummun* refers to parables against unbelievers. For example in the verse below:

صُمُّ بُكْمٌ عُمِي فَهُمْ لَا يَعْرِفُونَ (١٨)

Translation: "They are 'wilfully' deaf, dumb, and blind, so they will never return to the Right Path." (al-Baqarah/2: 18)

The aforementioned verse provides an example of how unbelievers are compared to deaf people because they cannot hear good things, dumb people because they cannot say things that will benefit them, and blind people because they are unable to see guidance and walk in the path of truth. Therefore, these disbelievers are in a state of astray.<sup>35</sup>

In line with the verse above, Allah SWT says:

أَفَلَمْ يَسِيرُوا فِي الْأَرْضِ فَتَكُونَهُمْ قُلُوبٌ يَعْقِلُونَ بِهَا أَوْ آذَانٌ يَسْمَعُونَ بِهَا ۗ فَإِنَّهَا لَا تَعْمَى الْأَبْصَارُ وَلَكِنْ تَعْمَى الْقُلُوبُ الَّتِي فِي الصُّدُورِ (٤٦)

Translation: "Have they not travelled throughout the land so their hearts may reason, and their ears may listen? Indeed, it is not the eyes that are blind, but it is the hearts in the chests that grow blind." (al-Hajj/22: 46)

<sup>32</sup> Ibnu Katsir Abû al-Fidâ 'Ismâil bin Umar, *Tafsir Al-Al-Qur'an Al-'Azhim*, Jilid 7 (Beirut: Dâr al-Kutub al-'Ilmiyyah, n.d.), 317. ash Shabunî Muhammad Alî, *Shafwat At-Tafâsîr*, Jilid 3 (Kairo: Dâr as-Shâbûnî, 1997), 205.

<sup>33</sup> Yunus Mahmud, *Kamus Arab-Indonesia* (Jakarta: Hidakarya Agung, 1989), 70.

<sup>34</sup> People with speech impairments (mute) are individuals who have communication disorders due to disorders of voice, articulation (pronunciation), or fluency of speech, which results in deviations in language form, language content, or language function. Munawir Ahmad Warson, *Kamus Al-Munawwir* (Surabaya: Pustaka Progresif, 2002), h. 331. Desiningrum Dinie Ratri, *Psikologi Anak Berkebutuhan Khusus* (Yogyakarta: Psikosain, 2016), 7.

<sup>35</sup> ash Shabunî Muhammad Alî, *Shafwat At-Tafâsîr*.

Interpreting the verse above, Quraish Shihab explains that this is the situation of unbelievers. They actually have ears that can hear but are not used to listen to religious instructions. They have eyes that can see but are not used to see the signs of the power and Oneness of Allah SWT. Also has a mouth that can speak but is not used to convey the truth to other people.<sup>36</sup>

The aforementioned explanation makes it clear that the Al-Al-Qur'an's discussion of deaf and speech disorders—referred to by the names *shummum* and *bukmun*—is more focused on theology than on physical disabilities. But according to the author, the following verses can be interpreted using the *Ma'fhum mukhalafah* perspective, which sees the circumstances of believers and unbelievers as distinct from one another. This suggests that a condition can exist whereby believers who are deaf or have speech impairments are unable to understand the truth or discuss the truth and religious knowledge due to their limits.

Here, the issue is the presence of obstacles or impediments to knowledge acquisition and the incapacity to communicate information and truth to others. Therefore, it is necessary to take down these obstacles, specifically by providing them with access so they can acquire religious knowledge and convey it to others.

### Maqashid Verses on Disabilities

Abdul Mustaqim created the interpretive method known as Tafsir Maqashidi. In order to derive benefits from every perspective, this approach aims to elaborate on the maqashid of the Al-Qur'an and the Sharia. This method necessitates interpretation that goes beyond mere meaning revelation. Moreover, this methodology centers on the examination of maqashid, the crucial lesson concealed inside the Al-Qur'anic verses.

In connection with the theme of verses about people with disabilities, the author finds several important values that should be considered:

- 1) *Hifdz ad-din* (maintaining religious principles). It cannot be denied that one of the important principles of the Islamic religion is the principle of mutual respect. There are so many religious texts that are built on the principle of respect, either respect for specific individuals or beliefs. In the context of social relations with people with disabilities, Q.S Abasa verses 1–11 and Q.S an-Nur verse 61 explain the concern of religion in upholding the principle of mutual respect for fellow human beings regardless of their shortcomings.

It is also clear that awareness of humanitarian principles must go hand in hand with maintaining one's religious beliefs. Q.S 'Abasa clarified that the Quraish leaders had to be set aside in order to save Abdullah bin Umi Maktum's human existence, even though the Prophet wished to convert them to Islam. Similarly,

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<sup>36</sup> Another text that implies that the state of unbelievers is equivalent to that of blindness, deafness, and muteness is: al-Baqarah/2:171, Hud/11: 24, dan al-An'am/6: 39. Shihab, *Tafsir Al-Mishbah; Pesan Kesan Dan Keserasian Al-Quran*.

in QS. al-Fath verse 17, those with impairments have been given space and options to refrain from participating in jihad due to physical limitations.<sup>37</sup>

- 2) *Hifdz an-Nafs wa al-'Irdh* (Recognition of the existence of people with disabilities). The verses about ethics towards people with disabilities have explicitly shown how the social and mental revolution advocated by the Al-Qur'an is to eliminate the social barriers that previously existed. Surah an-Nur verse 61 in terms of text and context explains the social recognition of people with disabilities (blind, crippled, sick). The Al-Qur'an rejects the slanted assumptions that were previously strongly embedded in Arab society that people with disabilities were dirty and lowly people. These verses clearly have the meaning of raising the dignity of people with disabilities in the eyes of the public.
- 3) *Hifdz al-'Aql* (knowledge of the value of inclusive perspectives). The readers have learned a great deal from this collection of verse about the ethics of treating individuals with disabilities, including how important it is to be understanding, grateful, and accepting of those who need assistance in order to live alongside normal people.<sup>38</sup>

Apart from relying on aspects of *dloruriyyat al-khams* in the theory of maqashid as-syari'ah, the author also finds important maqashid Al-Qur'an values, which are explicitly explained in the verses on ethics towards people with disabilities:

- 1) Human values (*al-insaniyyah*) The Al-Qur'an's recognition of the existence of people with disabilities illustrates the principles of humanism promoted by it. Surah 'Abasa speaks of a rebuke (*'itab*) to the Prophet for ignoring the human dimension of Abdullah bin Umi Maktum. In Maqashidiyah, the story explains that ethics and humanist values must take priority above everything else. The context of the verse seems to criticize the Prophet Muhammad SAW, who was opportunistic and chose to respond to the Quraish officials who were interested in Islam. However, The Al-Qur'an does not seem to attach much importance to this. The Al-Qur'an is actually more concerned with the disappointment of Abdullah bin Umi Maktum, who felt his human identity was marginalized just because he was blind, so the Al-Qur'an reminded the Prophet.
- 2) The significance of justice and equality (*al-musawah wa al-'is*). Verse 61 of Surah an-Nur states that everyone has the same social standing, regardless of their level of health. The Al-Qur'an's reaffirmation that individuals with disabilities and those in good health can dine together serves as a symbol that societal boundaries should not exist between the two groups. The belief held by society at the time that persons with disabilities were less valuable has been dismantled by the Al-Qur'an. Verse 13 of QS. al-Hujurat reaffirms the Al-

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<sup>37</sup> Hubbab, Mukhammad, "Etika Terhadap Penyandang Disabilitas Perspektif Tafsir Maqashidi."

<sup>38</sup> Hubbab, Mukhammad.

Qur'an's assertion that no social standing can shield an individual's superior standing in the eyes of God.

The author's definition of the value of justice in this context is giving disabled persons the same opportunities as healthy people to exercise their rights. The Prophet's stance at the time was questioned by Q.S Abasa for not treating Abdullah bin Umi Maktum fairly. The value of justice undoubtedly encompasses more than merely the realization of rights, even in the contemporary environment. More than that, justice in this context might refer to giving disabled persons the same job chances as everyone else.<sup>39</sup>

- 3) The value of responsibility (*al-masuliyah*). The value of responsibility that the author means here is the collective awareness that society at large must build regarding ethics towards people with disabilities. The series of verses above starts from Q.S Abasa 1-11, Q.S an-Nur 61 and Q.S al-Fath verse 17 is a lesson for all humans to be able to provide a sense of security and comfort to our brothers and sisters who have physical limitations. This collective awareness can be built starting from the basic principles of mutual respect. Furthermore, a more established collective awareness necessitates the existence of a system that can accommodate the needs of people with disabilities in various aspects of life. This awareness of responsibility will then lead to broader social welfare and benefits (*al-maslahah al-'ammah li al-insan*)

### Practices for Fulfilling the Rights of Persons with Sensory Disabilities

According to information from the World Health Organization (WHO) website, at least 180 million individuals globally suffer from different forms of visual impairment.<sup>40</sup> The *International Agency for the Prevention of Blindness* (IAPB) website also has data for 2020, which states that up to 96 million individuals in Southeast Asia suffer from vision impairments.<sup>41</sup> At least 35 million individuals in Indonesia suffered from vision impairment in 2020; tragically, 3.7 million of those individuals were blind, with Muslims making up the majority of the affected population.<sup>42</sup>

The following rights are outlined in Article 14 of Part Ten of Constitution No. 8 of 2016 concerning Persons with Disabilities: 1) adhering to their respective religions and beliefs and worshiping in accordance with those beliefs; 2) having easy access to places of worship; 3) having easily accessible holy books and other religious literature;

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<sup>39</sup> Muhammad Julijanto, S Ag, and M Ag, "DISABILITAS DAN PERJUANGAN POLITIK HUKUM PERSPEKTIF MAQASID AL SYARI ' AH" 2021, no. April (2021): 18–35.

<sup>40</sup> WHO, *World Sight Day: 10 October* (<https://www.who.int/news/item/10-10-2002-world-sight-day-10-october> diakses pada 20 Juni 2022).

<sup>41</sup> Yuddha Sapkota, *WHO Technical Paper: Southeast Asia (SEA) Eye Health Situation Analysis* (<https://www.iapb.org/blog/who-technical-paper-southeast-asia-sea-eye-health-situation-analysis/> diakses pada 20 Juni 2022).

<sup>42</sup> Yuddha Sapkota.

4) receiving services in accordance with your needs when carrying out your religion and beliefs; and 5) participating actively in religious organizations.

According to the foregoing Constitution, it is evident that access to a well-functioning place of worship is something that must be achieved because it is both a need and a right for individuals with disabilities.

Recent studies conducted across multiple nations have demonstrated a strong correlation between the public's perception of disability and the discrimination faced by individuals with impairments.<sup>43</sup> The likelihood of discriminatory and other immoral acts against individuals with disabilities seems to increase with a lower level of understanding about impairments and issues associated to them. Based on the author's earlier explanation of maqashid values, there are two primary takeaways from the maqashidi interpretation process when understanding verses related to disabilities.

### 1. Recognition and Acceptance of the Existence of Persons with Disabilities

The first point the author means here is recognition and support for people with disabilities. In maqashidi Q.S 'Abasa and Q.S an-Nur verse 61 provides a lesson on how the Al-Qur'an has attempted to elevate the dignity and humanity of people with disabilities.

Acknowledging the presence of individuals with disabilities means offering them the chance to coexist with one another and exercise their rights as citizens and human beings within the framework of a state, such as obtaining easy access to jobs and education. Furthermore, it leaves up the potential that individuals with disabilities may compete with the general population for important governmental jobs. On the other hand, accepting the existence of individuals with disabilities from a protective standpoint entails opposing any marginalization and prejudice against them.

Al-Qurthubi, when interpreting al-Baqarah verse 43, which says:

وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ وَارْكَعُوا مَعَ الرَّاكِعِينَ (٤٣)

Translation: “Establish prayer, pay alms-tax,<sup>1</sup> and bow down with those who bow down.”

He stated that one of the points of his interpretation of this verse is:

وَلَا تَأْسَ بِإِمَامَةِ الْأَعْمَىٰ وَالْأَعْرَجِ وَالْأَسْفَلِ وَالْأَفْطَعِ وَالْخُصِيِّ وَالْعَبْدِ إِذَا كَانَ كُنُفًا وَاحِدٍ مِنْهُمْ عَالِمًا بِالصَّلَاةِ<sup>44</sup>

<sup>43</sup> Hisayo Katsui and Jukka Kumpuvuori, ‘Human Rights Based Approach to Disability in Development in Uganda: A Way to Fill the Gap between Political and Social Spaces?’, *Scandinavian Journal of Disability Research*, vol. 10, no. 4 (Stockholm University Press, 2008), pp. 227–36; Dini Widinarsih, *Disability Awareness in Higher Education: An Experience from University of Indonesia*, p. 4; Dini Widinarsih, ‘Disability Inclusion and Disability Awareness in Muslim Society: An Experience of Indonesians Muslim with Disability in Performing Worship’, presented at the International Conference on Diversity and Disability Inclusion in Muslim Societies (ICDDIMS 2017) (Atlantis Press, Nov 2017), <https://www.atlantis-press.com/proceedings/icddims-17/25892999>, accessed 8 Dec 2022

<sup>44</sup> Muhammad bin Ahmad Al-Qurthubi, *al-Jami’ li Ahkam al-Al-Qur’an* (Kairo: Dār al-Kutub al-Mishriyyah, 1964), p. 354.

Translation: “It is not a problem for people with disabilities such as those who are blind, crippled, lame, have broken hands, are castrated, or slaves to become imams as long as they know and can fulfill the pillars of prayer.”

Historical facts also state the same thing, the assignment of this group as prayer leaders occurred during the time of the Prophet Muhammad (SAW):

أَنَّ عِتْبَانَ بْنَ مَالِكٍ، كَانَ يُؤْمُ قَوْمَهُ وَهُوَ أَعْمَى، وَأَنَّهُ قَالَ لِرَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: يَا رَسُولَ اللَّهِ، إِنَّمَا تَكُونُ الظُّلْمَةُ وَالسَّيْلُ، وَأَنَا رَجُلٌ ضَرِيرٌ الْبَصَرِ، فَصَلِّ يَا رَسُولَ اللَّهِ فِي بَيْتِي مَكَانًا أَخِذُهُ مُصَلِّي، فَجَاءَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: أَيْنَ تُحِبُّ أَنْ أُصَلِّيَ؟ فَأَشَارَ إِلَى مَكَانٍ مِنَ الْبَيْتِ، فَصَلَّى فِيهِ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ<sup>45</sup>

Translation: “Truly, 'Itbân bin Mâlik used to lead his people even though he was blind. He said to Rasûlullâh Saw; “O Rasûlullâh, actually there was darkness and flooding even though I am a blind person. O Rasûlullâh! pray in my house in a place that I will make my prayer place.' Rasûlullâh Saw came and asked, 'Where do you want me to pray?' 'Itbân gestured to a place in his house. Then Rasûlullâh Saw prayed there.” (HR. al-Bukhari)

عَنْ أَنَسِ بْنِ مَالِكٍ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ اسْتَحْلَفَ ابْنَ أُمِّ مَكْتُومٍ يُؤْمِ النَّاسِ وَهُوَ أَعْمَى<sup>46</sup>

Translation: “From Anas bin Malik, Truly the Prophet SAW appointed Ibn Ummi Maktum (for the city of Medina) to lead the prayers even though he was blind.” (HR. Abu Dawud)

Ibnu Abî Syaibah in his book al Mushannaf informs several histories about People with Visual Sensory Disabilities (PDSN) who became the imam, for example:

عَنِ الزُّهْرِيِّ، أَنَّ أَنَسًا مِنْ أَصْحَابِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانُوا يُؤْمُونَ وَهُمْ عُمَيَّانٌ، مِنْهُمْ عِتْبَانُ بْنُ مَالِكٍ، وَمُعَاذُ بْنُ عَفْرَاءَ، وَابْنُ أُمِّ مَكْتُومٍ<sup>47</sup>

Translation: “From Zuhri, it is true that several of the companions of the Prophet became Imams with visual sensory disabilities, among them were Itban bin Mâlik, Muâdz bin Afrâ and Ibn Ummi Maktûm.”

عَنْ أَبِي جَعْفَرٍ، قَالَ: أَمَّنَا جَابِرٌ بَعْدَمَا دَهَبَ بَصَرُهُ<sup>48</sup>.

Translation: “From Abi Ja'far that Jabir led us as a imam after seeing his vision.”

عَنْ عَمْرِو بْنِ عَطِيَّةَ، قَالَ: أَمَّنَا الْمُسَيَّبُ وَهُوَ أَعْمَى<sup>49</sup>.

<sup>45</sup> al-Bukhârî Muhammad bin Ismâil, *Shahîh Bukhârî*, no. hadis 424, Kitab ash-Shalat, Bab Idz dakhala baitan, Juz 1 (Beirut: Dâr Tuq an-Najat, 1422), 92.

<sup>46</sup> as-Sajistânî Abû Dawûd Sulaimân bin Asy'as, *Sunan Abî Dawûd*, no hadis 595, Kitab ash-Shalat, Bab Imamat al-A'ma, Juz 1 (Beirut: al-Maktabah al-'Ashriyyah, 2014), 162.

<sup>47</sup> Syaibah Ibnu Abi, *Al-Mushannaf*, no hadis 6061, Kitab ash-Shalat, Bab fi Imamat al-A'ma, Juz 2 (Riyadh: Maktabah ar-Rusyd, 1989), 27.

<sup>48</sup> Syaibah Ibnu Abi, *Al-Mushannaf*.

Translation: “From Amr bin Athiyyah that Musayyib led us as imam while he was blind.”

Asy-Syaibah stated that there were more than seven blind friends who became imams, either those who were blind from birth or those who experienced blindness at the end of their lives, such as Itban bin Mâlik, Muâdz bin Afrâ, Ibn Ummi Maktûm, Musayyib, Jâbir bin Abdillah, al -Barrâ, Ibn Abbâs, and friends who were veterans of the Badr war.<sup>50</sup>

This is because what is the standard of skill/fitness in the prayer imam is competence, not physicality, this is for example illustrated in the dialogue of Atha bin Abi Rabah:

عَنْ عَطَاءٍ، سُئِلَ عَنِ الْأَعْمَى يَوْمَ؟ قَالَ: فَقَالَ: إِذَا كَانَ أَفْقَهُهُمْ.<sup>51</sup>

Translation: “From Atho, he was once asked whether Persons with Visual Sensory Disabilities (PDSN) could lead prayers, Atha answered that they were allowed if the PDSN was competent.”

Simonetta Calderini even noted the unique fact that not all Imams (PDSN) were based on appointments/assignments from the Prophet Saw, there were cases where the Prophet Saw only confirmed the Imams (PDSN) that already existed before. Calderini stated that “*The case of the blind Itban ibn Malik for example, seems to point to the acknowledgement of a de facto leadership. This would be unlike the case of another blind person, Ibn Umm Maktum, whom the Prophet is reported to have chosen as his deputy (istakhlafa) to be a prayer leader.*”<sup>52</sup>

Though Ash-Syâfi'i believes that the imam of sighted people, or PSDN, is the same because both have been authorized by the Prophet Saw, he personally believes that the imam of Persons with Visual Sensory Disabilities (PDSN) is preferable because his view is relatively undistracted during prayer.<sup>53</sup>

Disability recognition governs more than just a person's ability to worship in private in spite of their limitations. But it places a strong emphasis on realizing potential so that we can gather in the mosque with regular people.

For example, in the obligation to perform the Hajj pilgrimage, people with disabilities are still subject to the obligation to carry out the Hajj pilgrimage while still having *ahliyyat al-adâ*, the meaning of the abilities in the verse.

وَلِلَّهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ مَنِ اسْتَطَاعَ إِلَيْهِ سَبِيلًا (٩٧)

Translation: “Pilgrimage to this House is an obligation by Allah upon whoever is able among the people” (Ali Imran/3: 97)

<sup>49</sup> Syaibah Ibnu Abi.

<sup>50</sup> Syaibah Ibnu Abi.

<sup>51</sup> Syaibah Ibnu Abi.

<sup>52</sup> Calderini Simonetta, *Women as Imams: Classical Islamic Sources and Modern Debates on Leading Prayer* (London: I.B. Tauris, 2021), 39.

<sup>53</sup> Asy-Syâfi'î Muhammad bin Idris, *Al-Umm*, Juz 1 (Beirut: Dâr al Fikr, 1990), 192.



The meaning of *istithâ'ah* in the author's view is in accordance with the interpretation of al Hasan who interpreted it as

الْقُدْرَةُ عَلَى الْوُصُولِ إِلَى الْبَيْتِ<sup>54</sup>

*Ability to go back to baitullah,*

In this sense, it is the obligation of policy makers to provide access and facilities to enable them to reach Baitullah. It is this spirit that in carrying out the 2023 Hajj, the Ministry of Religion is carrying the slogan Hajj Friendly to the Elderly and People with Disabilities.

## 2. Commitment to Inclusion and Accessibility for Persons with Disabilities

One way to conceptualize inclusion is as acknowledging and appreciating diversity and differences. Individuals with sensory impairments are "different people" in the sense that they are not the same as other healthy, normal people. They must, however, be accorded equal treatment, devoid of prejudice, and given respect and gratitude simply for being human.

In order to ensure that every individual with a disability has access to their human rights, disability inclusion is a shared commitment and system. The foundation of this system is the equality principle, which holds that all people must progress together and never leave anyone behind. People with disabilities can use Presidential Regulation Number 52 of 2019 regarding the four pillars of administering social welfare as a guide to understand how they too have a right to social prosperity. This rule governs four welfare pillars: social security, social protection, social empowerment, and social rehabilitation.

The slow development of inclusive awareness in Indonesia is actually caused by many factors, including the complexity of handling it because it involves many actors. Q.S an-Nur verse 61 and Q.S Al-Fath verse 17 discuss on the openness towards people with disabilities. Openness by providing tolerance for the limits of abilities possessed by people with disabilities. Even though these verses do not directly touch on specific forms of inclusive action towards people with disabilities, the tolerance for not participating in war in these verses is a signal of an inclusive attitude towards people with disabilities.

*First*, physical access, namely an environment that can be approached, used or used easily by people with disabilities. *Second*, participatory access, namely the opportunity for people with disabilities to be involved and be part of broad aspects of life, such as education, work, religion, and the opportunity to experience equality, respect and warmth with other normal people.<sup>55</sup> It can also mean giving individuals with disabilities access to non-physical things like communication, technology,

<sup>54</sup> Fadhl bin Hasan At Tabrasî, *Tafsîr Majma' al Bayân*, Beirut: Dâ al Murtadhâ, 2006, jilid 2, hal. 350.

<sup>55</sup> Arbereth Gary L., ed., *Encyclopedia of Disability* (United States of America: Sage Publications, 2006), 9.

information, and such. It is possible to provide non-physical access for individuals with disabilities by taking into account the following factors:

*Firstly*, Make the necessary changes or adaptations to ensure that individuals with impairments may also fully and accurately absorb information. *Secondly*, give them access to communication assistance services so they can fully comprehend the content. For instance, reading texts aloud, teaching sign language to the deaf, or giving audio to the blind.

*Maqâshid asy-syarî'ah* can be used as the main entrance to offer access rights for those with disabilities. In this regard, Jaser Audah clarified that *maqâshid asy-syarî'ah* plays a crucial role in preserving and enhancing the realization of human rights. In actuality, the primary goal of Islamic law is to satisfy human rights in their entirety.<sup>56</sup>

Based on the *maqâshid asy-syarî'ah* paradigm above, the strategy used in efforts to fulfill the access rights of persons with disabilities is to accommodate the *masyaqqah* (difficulties) they experience. Ash-Syâhibî divides *masyaqqah* into 2 (two) types; First, *Masyaqqah 'ammah*, namely the difficulties felt and experienced by the majority of humanity, and Second, *Masyaqqah khasshah*, namely the difficulties felt and experienced only by certain people.<sup>57</sup> In the author's opinion, the difficult conditions and circumstances experienced by people with disabilities can be included in the second category of *masyaqqah*.

For instance, when it comes to performing religious services, the accessibility offered is no longer focused on how those with disabilities are deemed legitimate and able to worship in accordance with their physical space and constraints. But its focus is on how they might congregate in the same location—the mosque—as non-disabled individuals. Mosques would have to provide facilities like *Braille mushaf* (prayer books) for the blind, sign language interpreters for the deaf, or designated ablution routes for individuals with physical impairments if this access paradigm is put into practice.

People with disabilities should also have access to appropriate employment in other areas, such as the economy, to enable them to live independently and to the best of their abilities. The idea of *kafa'ah*, which implies providing persons with disabilities with a *sakinah*, *mawaddah wa rahman* home life, and balance in their roles as husband and wife, must be designed in matters of marriage.

It is interesting to see al-Qurtubi when interpreting Surah Yusuf verse 82

وَسَأَلِ الْقَرْيَةَ الَّتِي كُنَّا فِيهَا وَالْعَيْرَ الَّتِي أَقْبَلْنَا فِيهَا وَإِنَّا لَصَادِقُونَ (٨٢)

Translation: “Ask ‘the people of’ the land where we were and the caravan we travelled with. We are certainly telling the truth.” (Yusuf/12: 82)

<sup>56</sup> Audah Jaser, *Maqasid As-Syari'ah: Dalil Li Al-Mubtadi'in* (Kairo: al-Ma'had al-'Âlami li al-Fikr al-Islâmi, 1981), 58.

<sup>57</sup> asy-Syathibi Abu Ishaq Ibrahim bin Musa bin Muhammad al-Lakhmi, *Al-Muwaffaqat*, Vol. 1 (Saudi Arabia: Dâr Ibn Affan, 1997), h. 474.

تَضَمَّنَتْ هَذِهِ الْآيَةُ جَوَازَ الشَّهَادَةِ بِأَيِّ وَجْهِ حَصَلَ الْعِلْمُ بِهَا، فَإِنَّ الشَّهَادَةَ مُرْتَبِطَةٌ بِالْعِلْمِ عَقْلًا وَشَرْعًا، فَلَا تُسْمَعُ إِلَّا مِنْ عِلْمٍ، وَلَا تُقْبَلُ إِلَّا مِنْهُمْ، وَهَذَا هُوَ الْأَصْلُ فِي الشَّهَادَاتِ، وَهَذَا قَالَ أَصْحَابُنَا: شَهَادَةُ الْأَعْمَى جَائِزَةٌ<sup>58</sup>

Translation: “This verse contains the understanding that it is permissible to express testimony in any way that produces knowledge because testimony is related to knowledge logically and according to the Shari'a, so testimony can only be heard from people who know and only accepted from them. This is the basis of testimony; therefore, our friends are of the opinion that the testimony of blind people can accepted.”

Furthermore, even when al-Qurthubi interpreted Surah An-Nur verses 6-10 regarding Li'an, he also quoted the opinion that a blind person does not lose his right to li'an his wife if he knows and is sure that his wife is committing adultery.<sup>59</sup>

If you pay attention to the many verses in the Al-Qur'an that mention types of disabilities, they are usually followed by an explanation of the fulfillment of their rights, for example the verse in Surah 'Abasa (1-4), when it is called a blind sensory disability, it is followed by a demand for fulfilling access to education.

عَبَسَ وَتَوَلَّى (١) أَنْ جَاءَهُ الْأَعْمَى (٢) وَمَا يُدْرِيكَ لَعَلَّهٗ يَزَكَّى (٣) أَوْ يَذَّكَّرُ فَتَنْفَعَهُ الذِّكْرَى (٤)

Translation: “He (Muhammad) frowned and turned away, because a blind man had come to him. Do you know that perhaps he wants to cleanse himself (from sin), or he (wants) to receive teaching, so that the teaching benefits him?”

The same thing also happens in Al-Baqarah/2: 282 regarding the obligation to record debts. When people with intellectual disabilities are called *saffih*, it is followed by demands for the obligation to accompany them.

فَإِنْ كَانَ الَّذِي عَلَيْهِ الْحَقُّ سَفِيهًا أَوْ ضَعِيفًا أَوْ لَا يَسْتَطِيعُ أَنْ يُحْلِلَ هُوَ فَلْيُمْلِلْ وَلِيُّهُ بِالْعَدْلِ (٢٨٢)

Translation: “If the debtor is incompetent, weak, or unable to dictate, let their guardian dictate for them with justice” (al-Baqarah/2: 282)

## Conclusion

The Al-Qur'an acknowledges the capacity of those with sensory impairments to exercise their rights and fulfill their religious duties. The author discovered that these verses contain deep values and maqashid in addition to providing the meaning and context of the time through a study of maqashidi interpretation. *Hifdz ad-din* (upholding religious principles), *hifdz an-nafs wa al-'irdh* (recognition of the existence

<sup>58</sup> Muhammad bin Ahmad Al-Qurthubi, al-Jami' li Ahkam al-Al-Qur'an (Kairo: Dār al-Kutub al-Mishriyyah, 1964), juz 9, hal. 245.

<sup>59</sup> Muhammad bin Ahmad al-Qurthubi, al-Jami' li Ahkam al-Al-Qur'an (Kairo: Dār al-Kutub al-Mishriyyah, 1964), juz 12, hal. 182.

of people with disabilities), and *hifdz al-'aql* (awareness of the importance of inclusive attitudes) are among the maqashid and values that the author can reflect from a series of ethical verses towards people with disabilities. The importance of humanity (*al-insaniyyah*), equality and justice (*al-musawah wa al-'is*), and responsibility (*al-mas'uliyah*) are the core principles of the Al-Qur'an that are discernible.

From the interpretation of verses relating to disability and taking into account the maqashids that have been found, the author concludes that there are aspects that need to be considered, namely recognition and acceptance of the existence of people with disabilities, commitment to disability inclusion and the provision of accessibility services for people with disabilities.

In order to enable people with disabilities to participate and actively engage in social religious activities, such as leading prayers, attending congregational prayers, learning religion, reading the Al-Qur'an, and other activities, it is important to acknowledge their abilities and provide them with access and facilities.

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