

# EPISTEMOLOGY OF HADITH IN SYAFI'IIYAH AND IT'S EFFECT IN ISTINBĀṬ AL-AHKĀM

Imam Syafi'i

Zainul Hasan Genggong Islamic University Probolinggo

email: [afafzuhri@gmail.com](mailto:afafzuhri@gmail.com)

Subairi

STAI Nurul Huda Kapongan Situbondo

[subairimhi@gmail.com](mailto:subairimhi@gmail.com)

**Abstract:** This study aims to examine the Hadith in the *Syafi'iyah Ulama*. Historically, the style of thought of the scholars has focused on two schools, namely: the *mutakallim school* pioneered by the Syafi'iyah scholars and the *Ahnāf school*, known as the *fuqahā'*, which the Hanafi scholars built. These two schools have different paradigms, including in the study of Hadith, especially when *istinbāṭ al-Ahkām*. There are three points obtained in this study; first, the *Syafi'iyah scholars* divide the Hadith (from the aspect of quantity) into two, namely the *mutawātir* Hadith and the *ahād* Hadith. Second, the scholars agree that *Mutawātir hadith* can be used as a basis for a source of law. At the same time, the *ahād* Hadith and the *mursal* Hadith of the *Syafi'iyah* scholars provide certain conditions in making the *ahād* Hadith and *mursal* Hadith sources of law. Third, from the aspect of *qat'iy-ẓanniy* and *'ām-takhs*, in the view of the *Syafi'iyah* scholars that the word *'āmm* is *Zanni*, so the pronunciation of *'āmm*, what is in the Qur'an can be interpreted with the Hadith *ahād* and *Qiyas* because they are both *Zanni*. *Zanni* argues that there is no obstacle to assessing the *Zanni*.

**Keywords:** *Syafi'iyah Ulama*, Hadith *Ah ād*, *qat'iy* and *Zanniy*

Penelitian ini bertujuan untuk mengkaji tentang hadis dalam Ulama *Syāfi'iyah*. Dalam sejarahnya, corak pemikiran para ulama terpusat pada dua aliran, yaitu aliran *mutakallimīn* yang dipelopori oleh ulama *Syāfi'iyah* dan aliran *Ahnāf* atau dikenal dengan *fuqahā'* yang dibangun oleh ulama *Hanafiyah*. Dua aliran ini memiliki paradigma yang berbeda termasuk didalamnya dalam kajian Hadis, khususnya ketika *istinbāṭ al-Ahkām*. Ada tiga poin yang didapatkan dalam penelitian ini, pertama dalam aspek pembagian, ulama *Syāfi'iyah* membagi hadis (dari aspek kuantitas) menjadi dua, yaitu Hadis *mutawātir* dan hadis *ahād*. Kedua dalam aspek kedudukan hadis dalam menggali hukum, dalam hal hadis *Mutawātir* para ulama sepakat bahwa hadis *Mutawātir* dapat dijadikan landasan sebagai sumber hukum. Sementara hadis *ahād* dan hadis *mursal* ulama *Syāfi'iyah* memberikan syarat-syarat tertentu didalam menjadikan hadis *ahād* dan hadis *mursal* sebagai sumber hukum. Ketiga, dari aspek *qat'iy-ẓanniy* dan *'ām-takhsīṣ*, dalam pandangan ulama *Syāfi'iyah* bahwa lafaz *'āmm* adalah *ẓanni* sehingga lafaz *'āmm* yang ada dalam al-Qur'an bisa di *takhsīṣ* dengan hadis *ahād* dan *qiyas* karena sama-sama bersifat *ẓanni*. Dalil *ẓanni* tidak ada halangan untuk *men-takhsīṣ* yang *ẓanni*.

**Kata Kunci:** Ulama *Syāfi'iyah*, Hadis *Ahād*, *qat'iy* dan *Zanniy*

## Introduction

In the study of *uṣūl al-fiqh*, the primary sources in Islam are the Qur'an and Hadith. Fazlur Rahman believes that the sources are the Qur'an and Hadith. While *ijma'* becomes the formal basis, *Qiyas* is an efficient analogy inferring activity.<sup>1</sup> After the development of the law and its theory was arranged, the sources of law became systematic: the Qur'an, Hadith, *ijma'*, and *Qiyas*<sup>2</sup>. This systemization of sources of law then became the decision of most scholars, and it was agreed to be followed in doing *istinbāt* the law.<sup>3</sup> Meanwhile, other sources such as *istiṣhāb*, *istihsān*, *maṣlahah mursalah*, *qaul saḥābah*, *ijmā' 'expert Madinah*, *'urf*, *sadd az-ẓari'ah*, and *syar'u man qablanā* are sources of law whose existence is disputed, especially among *usli* (Uṣul fiqh scholars).<sup>4</sup>

From this, Hadith is the second source of law after the Qur'an. As the second source of Islamic law, Hadith occupies a very urgent position in the structure of Islamic studies. For this reason, studying Hadith is very important to unravel and resolve the problems of human life. With the development of science and the complexity of current issues, humanity must always think pragmatically, systematically, and critically, especially in the study of Hadith science, which is a reference for society in determining legal issues<sup>5</sup>.

*istinbāt* paradigm has undergone various models, starting with the Prophet Muhammad SAW. as an external source of law. When there is a problem, he can immediately answer and solve it. In contrast to the period after his death, the companions, *tabi'in* and *mujtahids*, in determining the law apart from being based on the Qur'an, also questioned the status of Hadith, both in terms of text, *sanad*, *Matan*, and narrators<sup>6</sup>.

From this incident, the *muhaddis* came with various knowledge skills by publishing multiple methods of studying Hadith. The goal is to make it easier to understand the Qur'an, to find between the Hadiths that are rejected or not used as a legal basis, and as a filter against understandings that are not following Islamic Shari'ah.<sup>7</sup>

In the dynamics of history, there are three models of patterns as a representation of the style of thought of the scholars; the first is the *mutakallimin* or flow, which is regularly known with *Syafi'iyah*; this school produces and formulated *uṣūliyyah* rules which are theoretical, logical and rational. Where the results of the formulation are based on linguistic analysis and *ta'lil al-ahkām analysis* supported by solid arguments both *naqli* and *'aqli*. This school is not tied to the *furū' ash-syariah* (fiqh) determined by the madzabh (deductive-inductive). Second, the *Ahnāf school* or known as *fuqahā'*, this school is different from the previous one; the formulation of the *uṣūliyyah* rules produced is in line with the existing *furū'* after conducting research and analysis of the formulation of the *uṣūl* rules contradicts or contradicts the *furū' ash-syariah*, then the regulations modified and

<sup>1</sup> Fazlur Rahman, *Islam, translated by Senoadji Saleh* (Jakarta: PT Bina Aksara, 1987), 106.

<sup>2</sup> Muhammad bin Idris Ash-Shafi'i, *Ar-Risālah*, (Bairut: Dar al-Fikr, t.th), 39.

<sup>3</sup> Zaky ad-Din Sha'ban, *Uṣūl al-Fiqh al-Islāmī* (Egypt: Dar al-Ta'lib, 1964), 27.

<sup>4</sup> Muhammad Sa'id Ali 'Abd Rabbih, *Buhûṣ fi al-Adi Allah al-Mukhtalaḥ Fiḥā'Inda al-Uṣūliyyin* (Egyptian: Mātba'ah as-Sa'ādah, 1980), 51; Sha'ban, *Uṣūl al-Fiqh al-Islāmī*, 28.

<sup>5</sup> Imam Syafi'i, Tutik Hamidah, "Maslahah Controvers As Sources, Methods And Objectives (Comparative Analysis Study Of The Four Madhab)", *Al-'Are: Journal of Sharia and Islamic Law*, 7 (1), (2022), 19-38

<sup>6</sup> Imam Syafi'i, "Moderate Reasoning Istibat Al-Ahkam Nahdlatul Ulama", *Proceedings of Annual Conference for Muslim Scholars*, 6 (1), (2022), 988-1002

<sup>7</sup> A. Hasyim Nawawi, *Introduction to Hadith Studies*, (Bandung: PT. Refika Aditama, 2000), 10.

adjusted (inductive-deductive). Third, the convergence school tries to combine the two thoughts between *mutakallim* and *ahnaf*, as mentioned above. In determining the *uṣūl* rules, he put forward a strong argument and still pays attention to the existence of harmony with the existing *furū' law*.<sup>8</sup>

## Method

This study is library research with a content analysis approach. The data collection technique used in this research is the documentation technique. At the same time, the analysis technique used in this research is descriptive. The primary data in this study are online scientific journals and books directly related to Hadith's epistemology among syafi'iyah scholars. While the secondary data used in this study are from online scientific journals, books, and the internet, which are not directly related to the object of this research, the data strongly supports this research.

## Result And Discussion

### Definition of Hadith

According to Muhammad Azami, the word Hadith contained in the Qur'an has several meanings: Religious Communication, Meaning the story of the world or natural events, meaning historical narratives, and meaning secrets or conversations or stories that are still warm. Ignaz Goldziher defines Hadith as having several meanings, including *Tale* (story) and *Communication* (news). The stories and reports are not only about the Islamic religion but also about historical information, both what happened in the past and recent events.<sup>9</sup>

<sup>8</sup> Zakari a as-Sabr i , *Maṣādir al-Ahkām al-Islāmīyyah* (Cairo: Kūlīyah al-Huqūq Jāmi'ah al-Qāhirah, 1975), 9-11 ; Muhammad Muṣṭafa Salabi, *Uṣūl al-Fiqh al-Islāmī* , Juz 1 (Bair u t: Dār al-Jāmi'ah, 1983), 51-53.

<sup>9</sup>Abustany Ilyas, *Study of Hadīṣ Ontology Epistemology Axiology*, (Depok: PT. Raja Grafindo persada, 2019), 2

From definition From the above Hadith, it can be concluded that Hadith is everything that is based on the Prophet Muhammad, both in the form of words, deeds, taqirir, characteristics, circumstances, and its guidance.

### The Kinds Of Hadith

In terms of quantity, Hadith is divided into *Mutawātir Hadith* and *Ahād Hadith*. *Mutawātir etymologically* means *Mutatābi'* (which comes later, together, or successively). Meanwhile, in terms of terminology, *mutawātir* is divided into several meanings, including a Hadith narrated by many people from the beginning of the chain to the end, which according to custom, is impossible for them to agree on a lie. *Mutawātir* is a Hadith narrated by several people based on sensory observations, which they cannot agree on to lie, from the beginning of the chain to the end. Meanwhile, according to Mahmud al-Tahhan, *Mutawatir* is a Hadith that was narrated by many people and received from many people, which according to custom, it is impossible for them to agree on a lie.<sup>10</sup>

Referring to the definition of *mutawātir* Hadith above, it can be drawn an *'itabar* (lesson) that a Hadith can be categorized as a *Mutawātir* Hadith when it fulfils several requirements including First; being narrated by many Narrators. In the case of many Hadith narrators, it is intended to contribute to the news of truth and belief so that it is impossible for them to agree to lie. As for the number of narrators, there are differences among scholars. Abu Tayyib set a minimum of four people by confirming the provisions on the number of witnesses needed in a case. Some of the 'Syafi'iyah Ulama group set a minimum of five people by confirming the number of five Prophets

<sup>10</sup>M. Shofiyuddin, "Epistemology of Hadith: Study of the Validity of Hadith in the Hanafi Ulama Tradition", *Riwayah: Journal of Hadith Studies*, 2, 1 (2016), 1-14

who were nicknamed Ulul Azmi. Some Ulama's others set 20 people, 40 people, ten people, 12 people, 70 people, and others.

Second; is the belief that they could not agree to lie. This second condition indicator is the belief that the number of narrators in each *tabaqah* can provide confidence that they cannot agree to lie. Third, there is the same number of narrators (balance) in each path of the chain. This means that the number of narrators at each chain level must be equal and balanced. For example, if the number of narrators in the *Tabaqah* of the companions is 10, then the next *Tabaqah* must be ten, eleven, and nine. But if in the first *Tabaqah* there are ten narrators, in the second *Tabaqah* there are 12 narrators, then in the next *Tabaqah* there are only two narrators or vice versa Hadith is not considered *Mutawātir*.

Fourth, Based on sensory responses. Either by hearing, seeing, smelling, or touching the narrator himself. The *Mutawātir* Hadith may not be based on thoughts, estimates, or the results of *istinbaht* from one proposition to another, even though everyone acknowledges the truth of that thought.<sup>11</sup> From the various requirements attached to the *Mutawātir* Hadith, the authenticity of the *Mutawātir* Hadith can no longer be doubted. Because the *Mutawātir* Hadith has the status of *Qoth'i Wurud* (definitely).

Division of Hadith (in terms of quantity), namely *Ahād*, is a Hadith that does not meet the requirements of a *Mutawātir* Hadith. It is said to be an *Ahād* Hadith when it meets the following criteria or requirements: first, Hadith is narrated by one or two narrators from one or two other narrators until they are continued to the Prophet *sallallaahu 'alaihi wa sallam*.

Second, Hadith does not reach the level of the *Mutawātir* hadith. Third, Hadiths not collected in it are the conditions of the *Mutawātir* hadiths.

The classification of *Ahād Hadith*, when viewed in terms of the number of narrators in the sanad, is divided into *Masyhur Hadith* Etymologically meaning is a famous Hadith, popular among fellow human beings. In terminology, Hadith has a finite path but more than two ways and does not reach the limit of the Hadith, *mutawātir*. Another definition says that *Masyhur Hadith* is a Hadith that many people convey, but the number is not as much as the *mutawātir* narrators.

If in one *tabaqah* (level) of *tabaqat sanad* there are three narrators, then the Hadith is categorized as a famous Hadith, even though in the *tabaqah* before or after it, there are many narrators. Hadith *Aziz* means the Hadith narrated by two people from two people. It means that the Hadith sanad in every *tabaqah* consists of two people. Next, share *Gharib* Hadith is a Hadith that one person only narrates in one of his *tabaqah*. So named because he looks aloof as if isolated from others or far from the famous level, let alone *Mutawātir*.<sup>12</sup>

Hadith *Ahād*, in terms of its *wurud status*, means " *naẓariy*." Namely, science that still requires further investigation and proof. So that the accuracy of the history only reaches the degree of *Zanni* (strong suspicion). Therefore, according to some scholars, the authenticity of the *Ahād* Hadith can be used as a source of legal arguments, and some also refuse to be used as a source of law.

Furthermore, in terms of quality aspects, the scholars divide Hadith in terms of quality into three types: first, Hadith *shohih*; etymologically, the Hadith *shohih* means

<sup>11</sup>Abustany Ilyas, *Hadith Studies: Ontology, Epistemology, Axiology*. (PT Raja Grafindo Perada, 2019), 12-14

<sup>12</sup>Maftah Rozani and Badrus Sholeh Kediri, "Hadith Judging from the Quality of Sanad in the Legal Istimbath Process", *Jurnal . Volume 03 Number 02* (2019), 32

healthy, safe from disgrace, right, legitimate, and perfect. In terminology, the scholars define the Hadith *shohih with various meanings*. According to Ibn al-Salah, Hadith *shohih* means " Hadith that is based on the Prophet SAW, which is continued in the chain, narrated by just and Dhobith narrators and there are no irregularities (syuzuz) and defects (illat)"

Division (from the aspect of quality) is the *Hasan Hadith*, the meaning of the language (etymology), the *Hasan Hadith* is a good Hadith, or following the wishes of the soul. Terminologically, Imam al-Turmudzi means that the *Hasan Hadith* is " every Hadith in which there is no narrator accused of lying, there are no irregularities in the matan aspect (syadz), and it is also narrated through other channels."

Based on the formulation of the definition above, the requirements that the *Hasan Hadith* must meet are: first; The sanad does not contain false prejudice, meaning that the sanad is *siqoh* (trusted), *shoduq* (true), *dhobit* (strong memorization). Second, the Hadith is not *Shadz*, meaning that the Hadith was narrated by trusted people from the Prophet SAW, free from conflicting narrations. If there is a conflict with a reliable history, then the Hadith is rejected. Third, Hadith is narrated with other similar sanad. This means that the Hadith is related to other sanad; one or more, the level is equal or even higher. Not a lower sanad, to be used as a reference for one of them.<sup>13</sup>

The level of *Hasan Hadith* is under the level of *Sahih Hadith*. For this reason, the scholars have different opinions about their position as a source of Islamic teachings or legal evidence. The last division is the *Hadith Dha'if*, according to language is weak, the

word *Dha'if* also means *shaqim* (the sick). So the hadith *dha'if*, according to language, is a weak hadith, which is unhealthy. While the *Hadith dha'if*, according to the term, is quoted by Imam an-Nawawi, meaning that the Hadith does not contain the conditions of the authentic Hadith and the requirements of the *Hasan Hadith*.

The criteria for *dha'if Hadith* are: The chain is cut off, the narration is not fair, the narration lacks *dhabith*, the existence of *syadz*, and finally, there are *illat* or vague and hidden causes that cause contamination of a Hadith, even though outwardly it looks free from defects. Based on the meaning and requirements of the *dha'if Hadith* above, to make it proof, the scholars still have differences of opinion on whether or not the *dha'if Hadith* is allowed to be used as a source of Islamic law.

#### Position of Hadith in *Istimbath al-Ahkām*

Scholars agree that Hadith is a *syar'iyyah evidence* that is used as the argument in *istinbāṭ al-Ahkām*. Imam Shafi'i, in his book *al-Umm* and *ar-Risalah*, adheres to *ijtihad* based on the statements of Hadith so that he is known as the Defender of Hadith (*Nāshir al-hadīs*)<sup>14</sup>. Just as the Qur'an is the source of Islamic law, Hadith is the secondary source of Islamic law resources.<sup>15</sup> The Qur'an, the first source of teachings, contains global instructions that require further and more detailed explanations. This is where the function of Hadith is as a source of second teaching, and Hadith becomes *bayān* or explanation from the Qur'an.<sup>16</sup>

In general, there are four functions of the Hadith concerning the Qur'an: First *bayān at-ta'kīd*, the purpose of this explanation is that the Hadith serves as a

<sup>14</sup>Wahbah Zuhaili, *Usul al-Fiqh al-Islamy*, jld. 1, (Damascus: Dar al-Fikr, 2005), 436

<sup>15</sup> Ibn Abdi al-Barr, *Jāmi' bayān al-ilm wa Fadhlīh*, (Beirut: Dar al-Kutub al-Ilmiyyah, t.th), 191

<sup>16</sup>M Agus Solahudin and Agus Suyadi, *Ulumul Hadis*, (Bandung: Setia Pustaka, 2008), 78.

<sup>13</sup>Abustany Ilyas, *Hadith Studies. Ontology, Epiyemology, Axiology*. (PT Raja Grafindo Perada, 2019), 20- 21

reinforcement of several legal provisions that have been stipulated in the Qur'an; second *bayān at-tafsīr*, namely Hadith that functions as an explanation of the Qur'an where sometimes the Qur'an is in the form of *mujmal* (ambiguous), general and absolute; third *bayān an-nasakh*, meaning that Hadith functions as an eraser of the laws contained in the Qur'an<sup>17</sup>; and fourth *bayān at-tasyrī'*, i.e., the Hadith functions as the stipulation of new laws that are not textually mentioned in the Qur'an<sup>18</sup>. In the latter case, it is still debated by some scholars<sup>19</sup>.

In the view of Imam Shafi'i, the determination of legal arguments in a scientific procedural manner is divided into five levels in the following order:

First, Al-Qur'an and Hadith placed Hadith on par with the Qur'an because Hadith serves as an explanation for the Qur'an, even though the Hadith *Ahād* is certainly not equal to the Qur'an (*qot'iy* and *zonniy*). Second, *Ijma'*, where *ijma'* becomes the next source when no evidence is found from the Qur'an and Hadith. The third is the opinion of some of the friends (*Qowlu as-Shohābi*) who are known, and there is no opinion of others who promote it. Fourth, friends' statement contradicts friends by taking the more substantial views. Fifth, *Qiyas* determines the law of a problem by equating (meaning) the rule that the above argument has established.<sup>20</sup>

From the scientific procedure above, it can be understood that in establishing Islamic law, Imam Syafi'i places the position of the Qur'an and Hadith as the source and

the place to rely on *ijma'*, *qawlu sahāba*, and *Qiyas*. This means that there are two sources of Imam Shafi'i law that are often used, namely the Qur'an and the Qur'an and Hadith. At the same time, other sources of evidence in the order above refer to the Qur'an and Hadith.<sup>21</sup>

### Hadith Ahād

Hadith *Ahād* or Hadith *Khashshah* as Imam Shafi'i termed it, can be proven as evidence provided that it fulfils several criteria of the *rowi* (*narrator*): he is a person who must be *siqoh* (trusted) in the practice of his religion, known as an honest person in conveying history and news; *rowi* has the power of reason to understand what is narrated, where in narrating the Hadith the same as what he hears from the aspect of the letters and *lafadz*, meaning that *rowi* does not describe *bi al-ma'na*; *rowi* must be strong in his memorization when narrating from the element of memorization and accurate when narrating from the part of his book; *rowi* can't be a *mudallis* telling people he meets about things he's never heard of, and finally the narration does not conflict with the narrations of other reliable narrators<sup>22</sup>.

The requirements mentioned above must also exist from every level of the chain up to the Messenger of Allah or the lower class of the *tabi'in*. From this, it can be concluded that according to the Shafi'iyah, Hadith *Ahād* can be practised by looking at the validity of the *sanad* and continuity<sup>23</sup>.

### Hadith Mursal

*Mursal* Hadith is a Hadith where the first *rowi* at the *tabi'in* level does not mention the intermediary between the *tabi'in* and

<sup>17</sup> Wahbah Zuhaili, *Usul al-Fiqh al-Islamy*, jld. 1, (Damascus: Dar al-Fikr, 2005), 446

<sup>18</sup> Mustafa as-Siba'i, *as-Sunnah wa Makānatuhā Fi Tasyrī' al-Islami*, (tt: Dar as-Salam, 2006), 345-346.

<sup>19</sup> Nasr Hamid Abu Zayd, *Imam Shafi'i: Moderatism Eclecticism of Arabism*, (Yogyakarta: Lkis, 1997), p. 30.

<sup>20</sup> M. Nasri Hamang, "The Truth of Hadi According to the Four Imams", *Journal of Dictum Law*, 9, 1, (January 2011), 93-98

<sup>21</sup> TM Hasbi Ash-Shiddieqy, *The Principles of the Hands of the Imams of the School*, (Jakarta: Bulan Bintang, 1973), jld. 2, p. 13.

<sup>22</sup> Muhammad bin Idris Ash-Shafi'i, *Ar-Risālah*, (Bairut: Dar al-Fikr, t.th), 369-371

<sup>23</sup> Wahbah Zuhaili, *Usul al-Fiqh al-Islamy*, jld. 1, (Damascus: Dar al-Fikr, 2005), 4 53

the Messenger of Allah (not mentioning the Companions)<sup>24</sup>. Imam Shafi'i is very careful in looking at the validity of the Hadith sanad. He does not accept a tradition when a narrator is lost either in the middle or at the end of the series. Imam Shafi'i does not accept a tradition that is *mursal* or *munqathi'* or a tradition with a broken chain. Regarding the *Mursal Hadith*, Imam Shafi'i requires conditions to be met to be used as evidence, including further research related to the Hadith that he narrated in a mural. If other scholars are trusted also narrate the Hadith and attribute it to the Prophet Muhammad. with the similarity of meaning, then it shows the truth of the companions of the narrators, who are the source and the memorization of the *tabi'in*. However, if he narrates the Hadith, which is *mursal* without any other narrators relying on the Prophet Muhammad, then this narration is still considered, whether or not different *mursal* narrators are in line with him and the information is acceptable. If there is, then another narration that is also *mursal* can strengthen the *mursal* history, but it is weaker than the first category.

If not, then it is necessary to examine the narrations of some of the companions of the Prophet Muhammad in the form of opinions. If a narration is in line with this narration from the Prophet Muhammad, it shows that the narrator did not take his *mursal* Hadith except from authentic sources.

The above expression shows that Imam Shafi'i accepted some of the *Mursal* Hadith with his arguments carefully and thoroughly. Imam Shafi'i accepts the *Mursal* Hadith that ends in *kibār at-tābi'in*, and even then, it must be equipped with several conditions, both in the *matan* and *sanad* of the Hadith.

But Imam Shafi'i did not accept the Hadith *mursal* after *kibār at-tābi'in*.<sup>25</sup>

If classified, there are at least five factors that Imam Shafi'i requires, one of which must support the Hadith *mursal*: First, the *mursal* whose raw material is *kibār at-tābi'in*. Second, supported by meaningful *Musnad* hadiths, Third, *mursals* that follow the opinion of scientific experts. Fourth, supported by the idea of the companions, and fifth, used as a reference by most scholars in their *fatwa*.<sup>26</sup>

In line with this, Wahbah Zuhaili also mentioned that Imam Shafi'i was the first to criticize the *Mursal* Hadiths. And Imam Shafi'i's view has distinguished himself from Imam Tsauri, Imam Malik, and Imam Abu Hanifah, who still make the Hadith *mursal* as evidence.<sup>27</sup>

If you look at the statement above, formal *sanad* has not been given much attention during the *tabi'in* period and the period after it, until the time of Imam Shafi'i when the formal sounding of the *sanad* began to be tightened. According to the writer, this is Imam Shafi'i's cautious attitude in accepting unconnected Hadiths because, in the past, the scholars did not seem to pay much attention to the *sanad*. The stipulation of the conditions as stipulated by Imam Shafi'i above does not mean automatically placing the position of the *mursal* Hadith to the degree of the *muttashil* Hadith, nor does he claim that the arguments established by the *mursal* Hadith are the same as the arguments specified by the *muttashil* Hadith (continued Hadith). This is reasonable,

<sup>24</sup>Wahbah Zuhaili, *Usul al-Fiqh al-Islamy*, jld. 1, (Damascus: Dar al-Fikr, 2005), 4 5 4

<sup>25</sup> Abu al-Fida 'Al-Hafidz Ibn Kathir Ad-Dimasyqy, *Ikhtishār Ulūm al-Hadīts*, (Beirut: Dar al-Kutub al 'Ilmiyyah, t.th.), 38;

<sup>26</sup>Wahbah Zuhaili, *Usul al-Fiqh al-Islamy*, jld. 1, (Damascus: Dar al-Fikr, 2005), 4 5 5-456

<sup>27</sup> Wahbah Zuhaili, *Imam Shafi'i Fiqh 1*, trans. Muhammad Afifi, Abdul Hafiz, (Jakarta: Almahira, 2010), 36

considering the Hadith *munqathi'* status cannot be known.<sup>28</sup>

The consequence is that if there is a conflict between the *mursal* Hadith and the *muttashil* Hadith, then automatically, the position of this *mursal* Hadith will be rejected. This is because, in addition to contradicting the conditions put forward by Imam Shafi'i, it is also logically rejected that the *Mursal* Hadith does not reach the level of the *Muttasil* Hadith. If a comparative analysis is carried out regarding the validity of the *Mursal* Hadith, it will appear that the differences between the scholars will be seen. According to 'Ajjaj al-Khatib, the disagreements regarding the validity of the *Mursal* Hadith reached ten opinions. However, three are famous: a) Accepting absolutely, as is renowned for Imam Abu Hanifa and Imam Malik, Imam Ahmad, and a group of scholars. This happens when the narrators of a series of *mursal* Hadith sanad are people who are *tsiqah*. b) Completely reject it, as narrated by Imam Nawawi from the majority of Hadith experts, Imam Shafi'i, and the majority of fiqh and ushul scholars. c) Accept if it is supported by a *musnad* Hadith or another *mursal* Hadith. Likewise, it is acceptable if some of Sahaba and most science experts practice the *Mursal* Hadith.<sup>29</sup>

The above emphasizes differences in views between Hadith scholars and jurists in dealing with *Mursal* Hadith. If the Hadith scholars tend to be selective in accepting *Mursal* Hadith because this *Mursal* Hadith is considered *dha'if* and *mardud*, it is due to the loss of one of the conditions for the acceptance of a Hadith; namely, the sanad must be continued, so it cannot be known the condition of the aborted narrator. This seems different from the opinion of the fuqaha; their famous opinion accepts the *Mursal* Hadith as evidence. Likewise, Imam

Shafi'i does not get absolute; *Mursal* Hadith can be used as evidence when the *Mursal* Hadith is following the conditions he put forward.<sup>30</sup>

### **Ikhtilaf al-Hadith**

Imam Shafi'i believes there is no contradiction (*ikhtilaf*) between one authentic Hadith and another because the truth cannot contradict the truth. Another truth. According to him, all the Hadith that are considered contradictory, all in line and valid, if indeed no indication shows the existence of *nasikh* and *mansukh*. There are only differences in practices transmitted from the course of generations of Companions and differences in the Companions in interpreting and understanding the meaning of Hadith. Imam Shafi'i stated that there is no dispute between the different Hadiths, without any indication of which are *nasikh* and which are *mansukh*; all of them are consistent and true. Because the Messenger of Allah is an Arab both in terms of domicile and language, sometimes he speaks something in general, and his intentions are available, and sometimes he also speaks something in general, but with a specific purpose.<sup>31</sup>

If there are different traditions (Hadith) on the same issue, Imam Shafi'i lays down specific rules for selecting one of them. From the various versions of the convention, he recommends choosing one more in line with the Qur'an because consistency with the Qur'an is a sign of the authenticity of a Hadith. However, if no text of the Qur'an explains the problem, according to him, the Hadith that is best used as a guide is the most authentic. The benchmark is that the person who narrates it better understands the sanad, is more famous for his knowledge

<sup>28</sup> Muhammad bin Idris Ash-Shafi'i, Ar- Risālah, (Bairut: Dar al-Fikr, t.th), 464

<sup>29</sup> 'Ajjaj al-Khatib, *Ushl al-Hadts Ulumūhu wa Mushthalāhuhu*, 338-339

<sup>30</sup> M. Nasri Hamang, "The Truth of Hadi According to the Four Imams", *Journal of Dictum Law*, 9, 1, (January 2011), 93-98

<sup>31</sup> Muhammad bin Idris Ash-Shafi'i, Ar- Risālah, (Bairut: Dar al-Fikr, t.th), 213-215

and memorizes it more. Hadith that is used as a guide is described from two or more narrations, while the Hadith that is left behind is narrated from one narration so that the majority of narrations are memorized more than the narrations that are less. Or, the Hadith that is used as a guide is closer to the meaning of the Qur'an or closer to the other Sunnah of the Prophet. Or the Hadith is widely known by scholars or is more authentic in Qiyas, or it becomes the grip of the majority of the companions of the Prophet Muhammad.<sup>32</sup>

According to Imam Shafi'i, regarding general and textual statements in the Sunnah of the Prophet Muhammad, they must be applied according to their available scope and textual meaning until it is known that there is an authentic Hadith from the Prophet Muhammad which shows that the general statement is intended for a specific purpose. The two Hadiths cannot be considered contradictory as long as each has a context to apply together. Because what is called contradictory is something that cannot be carried out or compromised except by aborting one of the two, such as the Hadith about one thing, the first makes it lawful while the second Hadith forbids it.

Yusuf Qardhawi also talked about this problem; according to him, if there is a contradiction in the Shari'ah texts, it is only in appearance, not in actual reality. And on that basis, we are obliged to eliminate it by combining or adapting the two texts, without having to force or make them up, so that both can be practised, which is more important than having to make a judgment between the two.<sup>33</sup>

In detail, there are three possibilities regarding *ikhtilaf* or *ta'arudl*: the

<sup>32</sup> Muhammad bin Idris Ash-Shafi'i, *Ar-Risālah*, (Bairut: Dar al-Fikr, t.th), 2 85

<sup>33</sup> Yusuf Qardhawi, *How to Understand the Hadith of the Prophet SAW*, trans. Muhammad Al-Baqir, (Bandung: Karisma, 1999), 118

contradiction between two actions (*at-ta'arudl baina al-fi'laini*), the paradox between the two words (*at-ta'arudl baina al-qowlani*), and the contradiction between the words with actions (*at-ta'arudl al-qowli ma'a al-fi'li*).<sup>34</sup> Related to the inconsistencies in Hadith, the scholars also discuss it in the books of Hadith science, which is famous for the science of *mukhtalaf al-hadits*. That is the science that combines and combines the contradictory Hadiths. Or the science that explains the *ta'wil* of Hadith, which is impossible even though it does not conflict with other Hadith.<sup>35</sup>

### Concept of Qoth'iy-dzonniy and 'Am-Makhsus

scholars think that the (general) lafadz '*am* (general) in his designation of his *afrad* is *Zanni* because it is possible to do *takhshsh*, even though the argument for *takhshsh* is not clear; this is due to the frequent occurrence of *takhshsh* in general pronunciation. Furthermore, the Syafi'iyah scholars think that the appointment of the word '*amm* is *Zanni*, then it is permissible to say the word '*amm* in *takhshsh* with the *Hadith Ahād* and *Qiyas* because they have the same position, namely *Zanni*. The proposition *Zanni* there is no obstacle to *takhshsh* the *Zanni*.<sup>36</sup>

This is different from the Hanafi Ulama; the designation of lafaz '*amm* is *qath'i* and should not do *takhshsh* lafaz '*amm* for the first time with *hadith Ahād* and *Qiyas* because their positions are different. However, if the pronunciation of '*amm* has been *confirmed* first with a strong argument, then it is permissible to take it with *khobar*

<sup>34</sup> Wahbah Zuhaili, *Usul al-Fiqh al-Islamy*, jld. 1, (Damascus: Dar al-Fikr, 2005), 463

<sup>35</sup> Manna' al-Qaththan, *Introduction to Hadith Science*, trans. Mifdhol Abdurrahman Lc. (Jakarta: Pustaka al-Kautsar, 2005), 103

<sup>36</sup> Sofian Al Hakim, "The Concept and Implementation of Al-'Amm and Al-Khāsh in Contemporary Law Events" *Asy-Shari'ah Journal*, 17, 1 (April 2015), 77-92

Ahād and Qiyas because after being takshsh with a strong argument, the pronunciation generally becomes *zhann*.<sup>37</sup>

## Conclusion

The differences in the level of this theory, of course, have implications for several legal decisions produced, especially between the Syafi'iyah and Hanafiyah circles. Among it; is the najis *mugholladoh* which is to purify it with seven piles of washing and one washing with dust. For example, the Hadith reads, "If a dog licks a container, then wash it seven times and add an eighth wash that is mixed with dust." Abu Hurairah narrated this Hadith, but in practice, Abu Huroiroh himself sufficed with three piles of washing so that from among the Hanafiyah, this Hadith was inscribed by the actions of Abu Huroiroh himself. Another example is the verse about the slaughter of Muslims, Allah says in Surah al-An'am (6): 119, which reads: "And do not eat animals that are not mentioned by Allah's name when slaughtering them". Then the Hadith Ahād allows slaughter without mentioning the name of Allah. "The slaughter of a Muslim is lawful, whether he mentions the name of Allah or not (when slaughtering)". The Shafi'i school applied takshsh to that case, while the Hanafiyah school continued to apply the generality of the verse. For the Hanafi school, it is not allowed to takshsh a qath'i verse with a Zanni hadith.

## Reference

- Abd Rabbih, Muhammad Sa'id Alī . *Buhūš fī al-Adīllah al-Mukhtalaf Fihā 'Ind al-Uṣūliyyin*. Egypt: Māṭba'ah as-Sa'ādah, 1980
- Abu Zayd, Nasr Hamid. *Imam Syafi'i: Moderatism Eclectic Arabism*, Yogyakarta: Lkis, 1997
- Ad-Dimasyqy, Al-Hafidz Ibn Kathir. *Ikhtishār Ulūm al-Hadīth* . Beirut: Dar al-Kutub al 'Ilmiyyah, t.th
- al-Iraqi, Abdurrahman. *Fathul Mughīts Syarh*

*al-fiiyyah al-Hadith*. Dar al-Kutub al-'Ilmiyyah, Beirut: 2001

- Al Judge, Sofia . " The Concept and Implementation of Al-'Āmm and Al-Khāsh in Contemporary Legal Events " *Jurnal Asy-Shari'ah*, 17 , 1 , April 2015
- al-Khatib, 'Ajaj. *Ushl al-Hadīts Ulumūhu wa Mushthalāhuhu*
- al-Qhaththan, Manna'. *Introduction to Hadith Science* , trans. Mifdhol Abdurrahman Lc. Jakarta: Pustaka al-Kautsar, 2005
- al-Qusyairi, Muslim bin Hijaj Abu al-Husaini. *Sahih Muslim* . Bairut: Dar Ihya at-Turost al-'Arabiyy, t.th
- As-Sabr i , Zakari a. *Maṣādir al-Ahkām al-Islāmiyyah*. Cairo: Kūliyah al-Huqūq Jāmi'ah al-Qāhirah, 1975
- As-Siba'i, Mustafa. *As-Sunnah wa Makānatuhā Fi Tasyrī' al-Islami*. Tt: Dar as-Salam, 2006
- Ash-Shiddieqy, TM Hasbi. *Principles of the Hands of the Imams of the Madhhab* . Jakarta : Star Moon, 1973
- Ash-Shafi'i, Muhammad bin Idris. *Ar-Risala* . Bairut: Dar al-Fikr, t.th
- Al-'Asqolani, Muhammad bin Ali bin Hajjar. *Bulughul Maram Min Adīllah al-Ahkām* . Surabaya: Dar al-Ilm, t.th
- Bin Hambal, Ahmad. *Musnad Ahmad* . Mu'assasah ar-Risalah, 1999
- Ministry of Religion of the Republic of Indonesia, *the Qur'an and its translation*
- Hamang, M. Nasri. "Kehujjah Hadi According to the Imams of the Four Madhhabs", *Journal of Dictum Law*, 9, 1, January 2011
- Himmawan, Muhammad Ali and Educate. " The Role of Hadith as a Source of Religious Teachings, Proofs of Hadith and the Function of Hadith on the Qur'an", *Minutes, Journal of Islamic Education and Studies*, 5, 1, March 2019
- Ibn Abdi al-Barr. *Jami' bayan al-ilm wa Fadhliah*. Beirut: Dar al-Kutub al-'Ilmiyyah, t.th
- Syafi'i, I. "Moderate Reasoning Istinbat Al-Ahkam Nahdlatul Ulama", *Proceedings of Annual Conference for Muslim Scholars*, 6 (1) , 2022
- Syafi'i , I. and Hamidah, T. "MASLAHAH CONTROVERS AS SOURCES, METHODS AND OBJECTIVES (COMPARATIVE ANALYSIS STUDY OF THE FOUR MADHAB)", *Al-'Are: Journal of Sharia and Islamic Law* , 7(1), pp. 19-38, 2022. doi:10.31538/adlh.v7i1.1642.
- Ilyas, Abustany. *Hadi Studies Ontology Epistemology Axiology* . Depok: PT. Raja Grafindo persada, 2019
- Nawawi, A. Hashim . *Introduction to Hadith Studies*. Bandung: P T. Refika Aditama, 2000
- Qardhawi , Yusuf . *How to Understand the Hadith of the Prophet SAW* , trans. Muhammad Al-Baqir . Bandung: Charisma, 1999
- Rahman , Fazlur Islam . translated by Senoadji Saleh . Jakarta: PT Bina Aksara, 1987
- Salabi, Muhammad Muṣṭafa. *Uṣūl al-Fiqh al-Islāmi*. Bairūt: Dār al-Jāmi'ah, 1983
- Shofiyuddin, M. "Epistemology of Hadith: Study of the Validity of Hadith in the Hanafi Ulama

<sup>37</sup>Wahbah Zuhaili, *Usul al-Fiqh al-Islamy* , jld. 1, (Damascus: Dar al-Fikr, 2005), 244

- Tradition", *Riwayah: Journal of Hadith Studies*, 2, 1, 2016
- Sholeh, Maftah Rozani and Badrus. "Hadith Judging from the Quality of Sanad in the Legal Istimbath Process", *Jurnal . Volume 03 Number 02*. 2019
- Suyadi, M Agus Solahudin and Agus. *Ulumul Hadith* . Bandung: Faithful Library, 2008
- Sya'ban, Zaky ad-Din. *Uṣūl al-Fiqh al-Islāmī* . Egypt: Dar al-Ta'lif, 1964
- Zuhaili, Wahbah. *al-Fiqh ash-Shafi'i al-Muyassar*. Damascus: Dar al-Fikr, 2008
- Zuhaili, Wahbah. *Usul al-Fiqh al-Islamy* . Damascus: Dar al-Fikr, 2005