EPISTEMOLOGY OF HADITH IN SYAFI'IYYAH AND IT’S EFFECT IN ISTINBĀṬ AL-AHKĀM

Imam Syafi’i
Zainul Hasan Genggong Islamic University Probolinggo
email: afafzuhri@gmail.com

Subairi
STAI Nurul Huda Kapongan Situbondo
subairimhi@gmail.com

Abstract: This study aims to examine the Hadith in the Syafi'iyyah Ulama. Historically, the style of thought of the scholars has focused on two schools, namely: the mutakallim school pioneered by the Syafi'iyyah 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'iyyah 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'iyyah scholars provide certain conditions in making the ahād Hadith and mursal Hadith sources of law. Third, from the aspect of qat’iy-ẓanī and ‘ām-takhsīṣ, in the view of the Syafi'iyyah 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'iyyah Ulama, Hadith Ahād, qat’iy and Zanni


Kata Kunci: Ulama Syāfi'iyyah, Hadis Ahād, qat’iy dan Zanni

Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi dan Keagamaan | 119
Introduction

In the study of usūl 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.1 After the development of the law and its theory was arranged, the sources of law became systematic: the Qur’an, Hadith, ijma', and Qiyas.2 This systemization of sources of law then became the decision of most scholars, and it was agreed to be followed in doing istinbāţ the law.3 Meanwhile, other sources such as istiṣḥāb, istihsān, maslahah mursalah, qaul sahābah, ijmā' (expert Madinah, 'urf, sadd az-żari'ah, and syar'u man qablanā are sources of law whose existence is disputed, especially among usli (Usul fiqh scholars).4

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.5

İstinbāţ 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 mujahids, 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.6

From this incident, the muhaddīs 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.7

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 usūliyyah rules which are theoretical, logical and rational. Where the results of the formulation are based on linguistic analysis and ta’līl al-ahkām analysis supported by solid arguments both naqli and ‘aqli. This school is not tied to the furū’ ash-syari‘ah (fiqh) determined by the madzabh (deductive-inductive). Second, the Ahnāf school or known as fuhahā’, this school is different from the previous one; the formulation of the usūl rules produced is in line with the existing furū’ after conducting research and analysis of the formulation of the usūl rules contradicts or contradicts the furū’ ash-syari‘ah, then the regulations modified and

---

2 Muhammad bin Idris Ash-Shafi‘i, Ar-Risālah, (Bairut: Dar al-Fikr, t.th), 39.
5 Imam Syafi‘i, Tutik Hamidah, “Maslahah Controvers As Sources, Methods And Objectives (Comparative Analysis Study Of The Four Madhab)”, Al’År: Journal of Sharia and Islamic Law, 7 (1), (2022), 19-38.
6 Imam Syafi‘i, “Moderate Reasoning Istinbat Al-Ahkām Nahdatul Ulama”, Proceedings of Annual Conference for Muslim Scholars, 6 (1), (2022), 988-1002.
adjusted (inductive-deductive). Third, the convergence school tries to combine the two thoughts between mutakallim and ahdaf, as mentioned above. In determining the usul rules, he put forward a strong argument and still pays attention to the existence of harmony with the existing furu' law.8

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.9

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, taqrir, characteristics, circumstances, and its guidance.

The Kinds Of Hadith

In terms of quantity, Hadith is divided into Mutawâtir Hadith and Ahâd Hadith. Mutawâtir etymologically means Mutatatibi’ (which comes later, together, or successively). Meanwhile, in terms of terminology, mutawâtir 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. Mutawâtir 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.10

Referring to the definition of mutawâtir Hadith above, it can be drawn an ’itabar (lesson) that a Hadith can be categorized as a Mutawâtir 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

---

9 Abustany Ilyas, Study of Hadith Ontology Epistemology Axiology, (Depok: PT. Raja Grafindo persada, 2019), 2
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 Mutawatir 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. 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 Mutawatir hadith. Third, Hadiths not collected in it are the conditions of the Mutawatir 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.

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

---

1Abustany Ilyas, Hadith Studies: Ontology, Epistemology, Axiology. (PT Raja Grafindo Perada, 2019), 12-14

12Maftah 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. Termenologically, 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.  

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). Just as the Qur'an is the source of Islamic law, Hadith is the secondary source of Islamic law resources.

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.

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

---

13Abustany Ilyas, Hadith Studies. Ontology, Epiyemology, Axiology (PT Raja Grafindo Perada, 2019), 20–21

14Wahbah Zuhaili, Usul al-Fiqh al-Islamy, jld 1, (Damascus: Dar al-Fikr, 2005), 436

15Ibn Abdi al-Barr, Jāmi' bayān al-ilm wa Fadhlih, (Beirut: Dar al-Kutub al-Ilmiyyah, t.th ), 191

16M Agus Solahudin and Agus Suyadi, Ulumul Hadis, (Bandung: Setia Pustaka, 2008), 78.
reinforcement of several legal provisions that have been stipulated in the Qur'an; second bayān at-tafsīr, namely Hadith that functions as an explanation for 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; 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. In the latter case, it is still debated by some scholars.

In the view of Imam Shaf’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’iyy and zonnīyy). Second, ījma’, where ījma’ 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 (Qawlu as-Shohābī) 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.

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 ījma’, qawlu sahābah, and Qiyas. This means that there are two sources of Imam Shaf’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.

Hadith Ahād

Hadith Ahād or Hadith Khashshah as Imam Shaf’i termed it, can be proven as evidence provided that it fulfils several criteria of the rowī (narrator): he is a person who must be siqāh (trusted) in the practice of his religion, known as an honest person in conveying history and news; rowī 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 rowī does not describe bi al-ma’na; rowī must be strong in his memorization when narrating from the element of memorization and accurate when narrating from the part of his book; rowī can’t be a madālīs 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.

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 Shaf’iyyah, Hadith Ahād can be practised by looking at the validity of the sanad and continuity.

Hadith Mursal

Mursal Hadith is a Hadith where the first rowī at the tabi’in level does not mention the intermediary between the tabi’in and
the Messenger of Allah (not mentioning the Companions). 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-tabi’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-tabi’in. 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-tabi’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.

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.

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,

\[24\] Wahbah Zuhaili, Usul al-Fiqh al-Islamy, jld. 1, (Damascus: Dar al-Fikr, 2005), 454


\[26\] Wahbah Zuhaili, Usul al-Fiqh al-Islamy, jld. 1, (Damascus: Dar al-Fikr, 2005), 455-456

\[27\] Wahbah Zuhaili, Imam Shafi’i Fiqh 1, trans. Muhammad Afifi, Abdul Hafiz, (Jakarta: Almahira, 2010), 36
considering the Hadith munqathi’ status cannot be known.\(^\text{28}\)

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 Muttaasil 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.\(^\text{29}\)

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.\(^\text{30}\)

\textit{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. 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.\(^\text{31}\)

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

\(^{28}\) Muhammad bin Idris Ash-Shafi’i, \textit{Ar- Risālah}, (Bairut: Dar al-Fikr, t.th), 464

\(^{29}\) ‘Ajaj al-Khatib, \textit{Ushl al-Hadts Ulumūhu wa Mushthalāhu}, 338-339


\(^{31}\) Muhammad bin Idris Ash-Shafi’i, \textit{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 Qiṣṣṣa, or it becomes the grip of the majority of the companions of the Prophet Muhammad.32

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.33

In detail, there are three possibilities regarding ikhtilaf or ta’arud: the contradiction between two actions (at-‘arudl bainal-fil’alaini), the paradox between the two words (at-‘arudl bain al-qowlaini), and the contradiction between the words. with actions ( at-‘arudl al-qwli ma’al-fil’el). 34 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-hadīts. 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. 35

Concept of Qoth’iyy-dzonniy and ’Am-Makhhus

scholars think that the (general) lafadz ‘āmm (general) in his designation of his afrad is Zanni because it is possible to do takhsīsh, even though the argument for takhsīsh is not clear; this is due to the frequent occurrence of takhsīsh in general pronunciation. Furthermore, the Syafi’iyah scholars think that the appointment of the word ‘āmm is Zanni, then it is permissible to say the word ‘āmm in takhsīsh with the Hadith Ahād and Qiṣṣa because they have the same position, namely Zanni. The proposition Zanni there is no obstacle to takhshish the Zanni.36

This is different from the Hanafi Ulama; the designation of lafadz ’āmm is qath’i and should not do takhsīsh lafadz ’āmm for the first time with hadith Ahād and Qiṣṣa because their positions are different. However, if the pronunciation of ’āmm has been confirmed first with a strong argument, then it is permissible to take it with khabar

32 Muhammad bin Idris Ash-Shafi’i, Ar- Risālah, (Bairut: Dar al-Fikr, t.th), 2 85
33 Yusuf Qardhawi, How to Understand the Hadith of the Prophet SAW, trans. Muhammad Al-Baqir, (Bandung: Karisma, 1999), 118
34 Wahbah Zuhaili, Usul al-Fiqh al-Islamy, jld. 1, (Damascus: Dar al-Fikr, 2005), 463
36 Sofian Al Hakim, “The Concept and Implementation of Al-’Āmm and Al-Khāṣh in Contemporary Law Events” Asy-Shari’ah Journal, 17, 1 (April 2015), 77-92
Ahād and Qiyas because after being takhshsh with a strong argument, the pronouncement generally becomes zhann.37

Conclusion

The differences in the level of this theory, of course, have implications for several legal decisions produced, especially between the Syafi'iyyah and Hanafiyyah 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 Hanafiyyah, 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 takhshsh to that case, while the Hanafiyyah school continued to apply the generality of the verse. For the Hanafi school, it is not allowed to takhshsh a qath'i verse with a Zanni hadith.

Reference


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. Ushūl al-Hadīts Ullumūwa wa Mushthalāřuhu


al-Qusayri, Muslim bin Hijaj Abu al-Husaini. Sahih Muslim. Bairut: Dar Ilya al-Turost al-'Arabiy, t.th


As-Siba'i, Mustafa. As-Sunnah wa Makānatuhā Fi Taswīr al-İslamiyyah. Tt: Dar as-Salam, 2006


Ash-Shaf'i, Muhammed bin Idris. Ar-Risala. Bairut: Dar al-Fikr, t.th


Bin Hambal, Ahmad. Musnad Ahmad. Mu'assasah ar-Risālah, 1999

Ministry of Religion of the Republic of Indonesia, the Qur’an and its translation


Syafi'i, I. “Moderate Reasoning Istinbat Al-Ahkam Nahdatul Ulama”, Proceedings of Annual Conference for Muslim Scholars, 6 (1), 2022


Shofiyuddin, M. "Epistemology of Hadith: Study of the Validity of Hadith in the Hanafi Ulama

37Wahbah Zuhaili, Usul al-Fiqh al-Islamyy , jld. 1, (Damascus: Dar al-Fikr, 2005), 244
Sholeh, Maftah Rozani and Badrus. "Hadith Judging from the Quality of Sanad in the Legal Istimath Process", Jurnal. Volume 03 Number 02, 2019


