

**IMPLICATIONS OF UNDERSTANDING LAFADZ BASED WADHIH DILALAH TO
THE FORMATION OF LAW ACCORDING TO THE METHOD OF
MUTAKALLIMIN AND HANAFI**

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Abstract

The purpose of this writing is to find out the influence of the opinions of the Hanafi school of thought and the Mutakallimin school of thought about the wadhah dilalah lafadz on the formation of law. This research uses qualitative methods and types of library research, which is a research conducted by conducting library research based on an understanding of the sources related to the theme of this research. To analyse the data that has been collected, the author chooses to use deductive-inductive. The results of this study can be concluded that the Mutakallimin method focuses more on pure theoretical studies to create solid ushul rules, this method emphasises the study of Arabic in depth, using dalalah (indicators) indicated by the lafadz-lafadz or sentences, logical understanding, and proof of the arguments. The Hanafi method in writing ushul fiqh is: too detailed in discussing furu' issues. They laid down the rules of Usul Fiqh by deducing from existing fiqh issues. In formulating the rules of Usul Fiqh, they are heavily influenced by the rules of the Hanafi school. The implications of the understanding between the two opinions about wadhah dilalah resulted in the birth of a variety of different laws

Keywords: hanafiyah, mutakallimin, istimbath, wadhah dalalah

Abstrak

Tujuan dari penulisan ini adalah untuk mengetahui pengaruh pendapat mazhab Hanafi dan mazhab mutakallimin tentang lafadz wadhah dilalah terhadap pembentukan hukum. Penelitian ini menggunakan metode kualitatif dan jenis penelitian kepustakaan (library research), yaitu suatu penelitian yang dilakukan dengan cara melakukan penelitian kepustakaan yang didasarkan pada pemahaman terhadap sumber-sumber yang berkaitan dengan tema penelitian ini. Untuk menganalisis data yang telah terkumpul, penulis memilih menggunakan deduktif-induktif. Hasil penelitian ini dapat disimpulkan bahwa Metode mutakallimin lebih menitikberatkan pada kajian teoritis murni untuk menciptakan kaidah-kaidah ushul yang kokoh, metode ini menekankan pada pengkajian bahasa Arab secara mendalam, dengan menggunakan dalalah (indikator) yang ditunjukkan dengan lafadz-lafadz atau kalimat-kalimatnya, pengertian yang logis, dan pembuktian terhadap dalil-dalilnya. Metode Hanafiyah dalam penulisan ushul fiqh adalah: terlalu detail dalam membahas masalah-masalah furu'. Mereka meletakkan kaidah-kaidah Usul Fiqh dengan cara menyimpulkan dari masalah-masalah fiqh yang ada. Dalam merumuskan kaidah-kaidah Usul Fiqh, mereka banyak dipengaruhi oleh kaidah-kaidah mazhab

Hanafi. Implikasi dari pemahaman antara kedua pendapat tentang wadh'ih dilalah tersebut mengakibatkan lahirnya berbagai macam hukum yang berbeda

Kata kunci: *Hanafiyah, Mutakallimin, Istimbath, Wadh'ih dalalah*

INTRODUCTION

Law in the sense of Ulama usul fiqh is “what is desired by the Shari’ (law makers) or khitab of God related to the act of mukallaf either *iqtidha, takhyir* or *wadh’*. In this case, what is meant by Shari’ah is Allah. It is found in the Qur'an and in the sunnah. The understanding of the will of the Shari’ah depends entirely on the understanding of the legal verses in the Qur'an and the legal hadiths in the sunnah.

The sources of Islamic law are basically of two kinds, namely; first, textual sources or written sources (also called *nushush*) which are direct sources obtained based on the text of the Qur'an and the Sunnah of the Prophet. Second; non-textual sources or unwritten sources (also called *ghair manshush*) such as istihsan and qiyas.

Experts ushul (usuliyyin) libih emphasis on two methods of determining the law, namely the method of understanding directly from the text or the rules of language (*lafdziyyah*) and the second form of indirect understanding of the text of the Qur'an and sunnah called the method of maknawiyah or *maqoshid al-Shari’ah*. Their first method focuses more on their research on the holy texts of Alquran and Sunnah directly, such as *Zahir, nash, mufassar, muhkam, khafi, abstruse, mujmal and mutasabih*.

In understanding the source of the law there are two schools of thought ushul fiqh mutakallimin method pioneered by Shafi’iyah and ahnafiah method pioneered by Imam Abu Hanifa. This tradition is called the Shafi’i school (mutakallimin).¹ This method is also called the deductive method because it establishes general theories on the basis of logic without regard to whether it contradicts the laws *of furu’* (jurisprudence law in certain cases).

METHOD

This study uses a qualitative approach with library research methods. Qualitative approach is done by exploring and understanding the phenomena that occur based on the point of view of the perpetrator or subject of research. In this case, the researcher collects, analyzes and interprets the data obtained from various literature and written sources relevant to the research topic. Literature research is conducted by examining primary and secondary sources related to the theme of this study, namely the methodology of usul fiqh and its application in

¹ Satria Effendi, *Ushul Fiqh*, (Jakarta: Kencana, 2008, hlm. 23

establishing law. These sources include books, journal articles, official documents, and other literature containing information on the mutakallimin and Hanafi methods of *usul fiqh*.

RESULTS AND DISCUSSION

A. Mutakallimin And Hanafi Methods In Establishing Law

In the world of writing *usul fiqh*, at least three *thariqah* or writing methods are *thariqah mutkallimin*, *thariqah fuqaha`* or *Hanafiyah* and *thariqah al-jam'u* or a combination of the two *thariqah*. These models of writing until now still easy to find. What are the characteristics of each, as well as what are the advantages and disadvantages of each, this short paper will try to exposethem.

The application of *ushul-fiqh* is often troubled by problems when *ushuliyun* will make *fiqh*, especially when looking for a form of flow, whether *ushul-fiqh rakyu* flow *rakyu* or *mutakallimin flow*. These two schools, etymologically, are different in principle and fundamentally. Both have different methodological implications especially when *it comes to the furu`* problem.

Rakyu or *Fuqaha'hanafiyah* method *fuqahais* a stream in *usul-fiqh* whose theories are built or compiled after *fiqh* is formed. That is, this mujtahid observes the behavior of mukallaf people in society, then he produces *fiqh* inductively. It can also be explained, the theory or rule of *ushul* version of this flow departs from *furu`* first that has been inherited from the new predecessor imam then formulated the rules or theories relevant to the *furu` problem* that has been set earlier. Therefore, it is natural, if *'urf* (tradition), *mashalih al-mursalah*, and *istihsan* be used as the basis of *fiqh* law. These arguments, usually formulated based *on istiqlal`* (research) to find the form of *fiqh*. This school of *usul fiqh* is commonly embraced by the *fuqaha`* of the Hanafi madhhab, some of the Maliki madhhab, and Mu'tazilites.²

On the contrary, if *ushuliy*the *ushuliy* composes the *usul fiqh* first, then produces *fiqh* based on the *usul fiqh* earlier, then this *usul fiqh* is called *the mutakallimin flow*. This school of deductive thinking, by trying to adjust the behavior of *mukallaf* (*AF'al Al-mukallafin*) to the theories of *usul-fiqh* earlier. Such a Model is used, among others, by most *fuqaha`* Shafi'i School, Hanbali school, Zhahiri school, and Itsna Ashariyah School of Shi'ism. This group in establishing its *usul Fiqh* does not use *'uruf*, *mashalih al-mursalah*, and *istihsan*, because all of

² Chozin Nasuha, *Epistemologi Ushul Fiqh*, dikutip dari situs www.ditperta.net/annualconference/ - diakses 10 September 2012.

these arguments are considered to be contrary to general qiyas (*qiyas 'am*). Instead, this group uses *istishhab* as one of the additional postulates.³

This model of *usul fiqh* is rather narrow and like limiting ourselves to certain field conditions, especially if we look at the development of a rapidly changing life. As a result, the theories of *usul-fiqh* are only fixated on basic understanding (al-Qur'an, Al-Hadith, al-Ijma' and al-Qiyas) and some backward-oriented postulates such as *istishhab*, and *Shar'u man qablana*. In other words, there is a downside to this flow, which is the lack of respect for phenomena and reality. In contrast to the flow of people who use the proposition '*uruf* and *istihsan*, can enter into the framework of (a) *Ushuliyun* can process all the problems that arise in the community with the theories *ushulfiqhnya*. (b) *Ushuliyun* can deal directly with people who use a particular *madhhab* (c) *Ushuliyun* can describe the background in full, so that the description of his *Fiqh* can raise the arguments of *kulli* by leaving the arguments of *juz'iy* equally *zhanni*.⁴

For more details, the author describes the characteristics and differences of each of the tendencies of these two schools.

Mutakallimin

According to Thaha Jabir al - ' Alwani⁵, in general, the writing of the book of *usul fiqh* follows one of two patterns, namely the Shafi'iyah method or the *mutakallimin* method and Hanafiyah or *Fuqaha`*. This method is usually followed *fuqaha`* Shafi'iyah, Malikiyyah, Hanabilah and Mu'tazilah.⁶ Disebut metode *mutakallimin* karena para penulis *ushul* jenis ini dalam pembahasannya menyinggung sebagian masalah-masalah teologis dan filosofis seperti pembahasan mengenai persoalan baik dan buruk (*The Good and the Reprehensible*), hukum asal sebelum turunnya wahyu syara' (*The Legal Status of Matters Prior to the Revelation of Shari'ah*), kewajiban syukur kepada sang pemberi nikmat (*The Necessity of Gratitude to the Bestower*), dan persoalan siapakah al-Hakim itu (*The Possessor of Sovereignty*). Another reason for calling this school the *mutakallimin method* is the use of the deductive method in defining the foundations of the methodological source, ensuring the validity of the principles, and in rejecting other different opinions without being affected by *the furu' problems* derived from the application of this rule.⁷

³ *Ibid*

⁴ *Ibid*

⁵ Ja'far as-Subhani, *Tarikh al-Fiqh al-Islami wa Adwaruhu*, (Bairut : Dar al-Adhwa`, 1999), h. 17.

⁶ Taha Jabir al-'Alwani, *Source Methodology in Islamic Jurisprudence*, Second Edition, (Virginia : IIIT, 1994), h. 71

⁷ Dikutip dari situs <http://abdurrahman.org/aeqeda/usulAlFiqhAlAwani.html>, diakses 19 juli 2012.

From various sources, the author can conclude that some of the characteristics of the methodology applied by Ulama *usul Mutakallimin* version is aLiran mentioned developing Usul Fiqh Writing by integrating several aspects of the science of Kalam, as exemplified in The muqaddimah "Al Mustashfa" by Al Ghazali. The authors of this methodology, mostly experts Ushul Fiqh as well as figures of Science Kalam, such as Ash'ariyyah scholars such as Qodhi Al Baqillani with his work "at Taqrib Wal Irsyad", and Imam Al-Haramain with his work "Al Burhan" , as well as MU'tazilah scholars such as Qadhi Abdul Jabar with "Al Ahdu", and Abul Hasan al Bashri with "Al Umdah". In writing The Science of Usul Fiqh, they tend to use the arguments of reason excessively and too involved in the debate to show the weakness of the arguments or opinions of his opponents, as documented in the work of al-Amidi with "al-Ihkam". They often focus too much on theories alone and rarely apply them in furu ' amaliyah problems.

As a material for comparison, it is also necessary to express another analysis of the characteristics of *the Manhaj mutakallimin* in the author ofsan ushul fiqh. This method focuses on purely theoretical studies to formulate solid usul rules, although sometimes the resulting rules may not be in accordance with the views of the Fiqh School of the author. In the process of formulating and establishing the rules of usul, this approach places great emphasis on in-depth study of the Arabic language, utilizing the indicators contained in the pronunciation of words or sentences, logical sense, as well as the proof of the arguments. This approach tends to avoid discussing branches of fiqh or Furu'iyyah issues, as well as fanaticism towards certain madhhabs, citing the furu' issue only as an example of application. This method also often uses a scientific style of dialogue or debate, with commonly found phrases such as: "if you say..., then we answer..."

Undeniably, the mutakallimin stream has a number of advantages. The advantages of *the mutakallimin school* according to Abdul Karim Zaidan are the tendency to use *istidlal* with reason, not fanatical to a particular madhhab, slightly showing the problems of furu' *fiqhiyah*, if mentioning just to give examples.⁸

Among the classical books or the early period of the science of Usul Fiqh compiled using this method or *Tariqah Al-mutakallimin*, can be mentioned some of them *Kitab Al-Mu'tamad* compiled by Abdul Husayn Muhammad bin Aliy al-Bashriy al-Mu'taziliy ash-Shafi'i'y (d. 463 H), *kitab Al-Burhan* disusun oleh Abdul Ma'aliy Abdul Malik bin Abdullah al-Jawainiy an-Naisaburiy asy-Syafi'i'y (w. 487 H), *kitab al-Mushtashfa* compiled by Abu

⁸ Abdul Karim Zaidan, *al-Wajiz fi Ushul al-fiqh*, Cet. IV, (Bairut : Muassasah ar-Risalah, 1994), hlm. 17.

Hamid Muhammad bin Muhammad Al Ghazaliy Asy Syafi 'iy (w. 505 H). and the book *of Al - ' Umad* by Al-Qadhi Abdul Jabbar (d. 415 H)

Mazhab Hanafi.

According to the explanation of Thaha Jabir al-Alwani in his book *Usul Al Fiqh al Islami Source Methodology in Islamic Jurisprudence:Methodology for Research and Knowledge States*, the Hanafiyah method in writing *usul fiqh* composes it by first referring to the *furū'* imamah and then setting the rules. So his study was aimed at strengthening *his furū'* imamah and not the other way around. So, anyone who studies the *usul fiqh* from this stream will encounter the problem *of furū'* which has been set by Imam Abu Hanifa and then analyze it and then set the right rules for the fatwa. Examples of rules *dalalah 'am* is *qath'iy* withdrawn from *furū'* or a fatwa from Imam Abu Hanifa that reading al-Fatihah in prayer is not mandatory, the mandatory is to read something from the Qur'an does not have to be Al-Fatihah as stipulated in the Hadith Sunday, while the verse of the Qur'an only enjoins reading something easy from al- Qur'an.⁹

Indeed, it can be concluded that this method is much influenced by *the existing furū'*. In fact, not infrequently rules are created to justify or strengthen the laws of jurisprudence in madhhab. *mubayyan, And Allah is Oft-Forgiving qath'iy, mafhûm mukhâlafah, Most Merciful.*¹⁰

Further can be described, this method has a number of characters as follows:

First: the close relationship between *Usul Fiqh* and the problem of the branches of *fiqh* in which it is used as a proposition and the main source of *usul* rules that they make. If there is a *usul* rule that contradicts the *ijtihad* of the *fiqh* of the imams and scholars of the Hanafi madhhab, they replace it with the appropriate rule. This box means that the rules of *ushul* are set to 'serve' the existing *furū'*.

Second: it can be said that the main purpose of this method is to collect the *fiqh* laws resulting from the *ijtihad* of the Hanafi madhhab scholars in the rules of *usul*.

Third: this method is separated from theoretical studies and is more practical, namely to strengthen and defend the provisions of *fiqh* made by the imam.

The emergence of this method is understandable considering that the imams of the Hanafi madhhab did not leave the collected and written *usul* rules for their students as Imam

⁹ http://www.witness-pioneer.org/vil/Books/TA_uaf/ch5.html diakses 19 Juli 2012

¹⁰ Contoh-contoh perbedaan kaidah *ushul* dan aplikasinya dapat dilihat tulisan dari Musthafa Sa'id al-Khinn dalam *Atsar al-Ikhtilaf fi Qawa'id al-Ushuliyah fi Ikhtilaf al-Fuqaha'*, Cet. V, (Bairut : Muassasah ar-Risalah, 1994)

Ash-Shafi'i did for his students. In the book of the Imams of the Hanafi School of jurisprudence are only problems and some rules scattered on the sidelines of the discussion of the jurisprudence. Finally they gathered similar fiqh issues and studied them to get rid of them *usul* rules.¹¹

To further facilitate the memory, furthermore, can be briefly stated the characteristics of the Hanafi method in writing *usul fiqh* is; 1) terlalu detail in discussing the problems *furu*; 2) they put the rules of *Usul Fiqh* by inferring from the problems of existing jurisprudence; 3) in formulating the rules of *Usul Fiqh*, they are much influenced by the rules of the Hanafi madhhab.¹²

The method is based on the Hanafi method

The Hanafis as explained by Adib Salih divide the utterance in terms of its clarity into four levels, namely *zahir*, *nash*, *mufassar* and *muhkam*.¹³ They are divided into four groups : the righteous, the unrighteous, the unrighteous, and the unrighteous.¹⁴

Broadly speaking, the division of utterances according to the Hanafi class is seen from the clarity of the utterance starting from the clarity of being simple (*zahir*), quite clear (*nash*) very clear (*mufassar*), and super clear (*muhkam*)

For more details Pembagian pronunciation in terms of *wadhah dilalah* according to hanafiah

Zahir

Al-Bazdawi defined *zahir* as :

اسم لكل كلام ظهر المراد به للسامع بصيغته

A name for a whole word whose meaning is clear to the listener, through the form of the utterance itself.¹⁵

Another definition put forward by Sarakhsi is :

ما يعرف المراد منه السامع بنفس من غير تأمل

He knows what he is hearing, and he does not know what he is hearing.¹⁶

¹¹<http://www.dakwatuna.com/index.php/fiqh-islam/ushul-fiqh/2007/metode-penulisan-ushul-fiqh/> diakses 19 juli 2012.

¹² Bandingkan juga dengan penjelasan Muhammad Abu Zahrah, *Usul al-Fiqh*, hlm. 17-18.

¹³ Muhammad Adib Shalih, *Tafsir Nushush Fil Fiqhi Al-Islamy*, (Damaskus : Maktabah Al-Islamy, 1984), Cet. II, h. 142

¹⁴ *Ibid*, h, 229

¹⁵ Al-Bazdawi, *Minhaj Al-Wusul Fi 'Ilmi Al-Ushul*, (Kairo; Matba'ah Muhammad Ali Subeih Wa Awladuhu, T.T), h. 46

¹⁶ Al-Sarakhsyi, *Ushul Al Sarkhasi*, (Beirut: Daar Almarifah), 1993, h. 164

From this definition it is clear that to understand Zahir does not depend on other instructions, but can be taken directly from the formulation of the utterance itself. However, the phrase still has other possible meanings. The examples that can be presented here include:

واحل الله البيع وحرم الربا

And Allah has made buying and selling lawful and forbidding usury.

The meaning of Zahir that can be quickly captured from this verse is the Halal of buying and selling and the Prohibition of usury. But that is not what is meant by the context of the verse. The issue of riba and halal buying and selling was known before. The meaning according to the context is the distinction of buying and selling with usury, because the verse is in answer to the statement of the polytheists who equate buying and selling with ribaya which is revealed in a fragment of verse 275 of Surat Al-Baqarah which reads:

ذالك بأنهم قالو انما البيع مثل الربا

What is happening here is an attempt to make sense of the situation. This is a clear indication of the halalah of buying and selling and haramnya riba. The guidance is taken from lafadz itself without the need for another qorinah.

It has been narrated from Imam ja'far Sadiq (as) that the prophet of Islam and the imams (as) and the imams (as) and the imams (as) of the Holy Prophet that after the prophet's death, the Holy Prophet would

Another example is lafadz zahir is the word of Allah surat an-Nisa ' verse 3 which reads

فَانكحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَى وَثُلَاثَ وَرُبَاعَ

The verse clearly shows the legality of polygamy in having a wife, but its meaning does not indicate the broad meaning of the verse because the main purpose of the connotation of the verse is to minimize the number of wives of four or one as above.

Dhohir law is obliged to practice its instructions confidently and surely, whether the lapadz is general or specific unless there are other arguments that eliminate the udhulan-yes, either leading to other purposes or the existence of other arguments that indicate disqualification lafadz in question, as lafadz muthlaq requiring taqyid.¹⁷

Zahir law ranks bottom in the clarity of the statement of the power of his dalalah on a meaning, because the statement of Zahir contains the possibility to be rejected if

¹⁷ Wahbah Zuhaili, *Op-Cit*, h. 318

there is another proposition as he had *dinasakh* at the time of the apostle, because the laws of *juziyah* have changed in accordance with the change of *maslahah*.

If there is no other evidence that requires other meanings beyond *Zahir*, then the question arises is whether the law of *zahir* is *qath'i*? so the *hanafiyah* scholars stated that it must be practiced because it has been *qath'i*.¹⁸

Nash

Nash according to the language raised, while according to the term is a clear *lafadz* meaning simply by hearing *sighat lafalz* without having to wait for an explanation from other arguments or do a deep understanding but this *nash masil* has the possibility to be rejected, and *dinasakh*.¹⁹

The definition of *nash* according to *al Sarkhasi* is: *lafadz* which has a degree of clarity above *Dhahir* with *qorinah* accompanying *lafadz* from *mutakallim*, indicated by its own *sighot* on the meaning in question in the context, containing the possibility of *takwil*, accepting *naskh* and *takhsis*.²⁰

From this definition it becomes clear that *nash* has a clear *dalalah* as *Dhahir*. The understanding of its meaning does not depend on hints from outside its *sighot*. Likewise, the meaning of *nash* does not require research but can be directly understood with his *sighot*. It's more obvious than *Dhahir*. The reason why *nash* becomes clearer than *Dhahir* is because of the *qorinah* contained in the *kalam*. As Allah SWT says,

ذَلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا

That is because they say that buying and selling is like usury.²¹

This *Qorinah* shows that what is meant by the context of the verse is denying the similarity between buying and selling and usury and affirming the difference between them as a rebuttal against the disbelievers who equate the two types of transactions. *Ayat* ini yaitu *واحل الله البيع وحرم الربا* in *dzhahir* the Prohibition of buying and selling and the Prohibition of *riba* and *nash* against the difference between the two. *Qorinah* sometimes also comes after the *kalam* as it is in the *Qur'an*,

Another example is the word of God :

فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَى وَثُلَاثَ وَرُبَاعَ

¹⁸ Abdul Wahab Abdul Salam, *Atsarul Lughah Fi Ikhtilafi Al-Mujtahidin*, (Kairo : Darel Salam, T.T), H. 271, Abu Zahrah, *Op.Cit.* H. 93-94

¹⁹ Abdul Wahab Abdul Salam, *Ibid*

²⁰ Al- Sarkhasi, *Ushul Assarkhasi*, Daar Al- Ma'rifah, Jilid 1, (Beirut, 1993) H. 164

²¹ Lihat: QS An- Nisa [04]: 3

Qorinah *ثلاث ورباع* comes after the marriage commandment to show that the context of the kalam is a description of the permissible amount for a muslim. This verse is Dhahir is the Prohibition of marriage and nash permissible amount. Thus qorinah as a distinction between Dhahir and nash and as a guide that nash is what is meant by kalam.²²

According to the Quran a Muslim is one who has absolutely surrendered to Allah and his commands and believes in pure Tawhid (the oneness of God) that isn't tainted with any shirk and this is why the Almighty has introduced prophet Abraham as a true worshipper. However, if these possibilities do not depend on the postulate then nash's law is qot'i or sure.²³

Although the same position in the law is the obligation to practice it based on understanding the meaning directly, but nash is brighter in meaning than Dhahir. Nash is what is intended according to the original expression, while dzahir is not the direct goal of the party who expresses it. Therefore, the meaning that is directly addressed is easier to understand than other meanings that are indirect.²⁴ It is also possible that nash contains takwil, takhsis and naskh are smaller than Dhahir. On that basis, if there is a conflict of meaning between nash and Dhahir in his appointment, then the one who is nash must take precedence.²⁵

An example of a contradiction between nash and zahir is the pronouncement of Zahir from the word of Allah about women who are haram to be married

واحل لكم ما وراء ذلكم (النساء : 24)

And lawful for you are women besides them (an-nisa: 24)

It is permissible for you to marry more than four women, as it is permissible for you to marry any number of women other than the ones mentioned earlier in this verse. Understanding zahir like this is clearly contrary to the meaning of nash contained in surat an-Nisa' verse 4 which clearly limits the marriage to 4 people. Thus the fifth marriage as can be done based on Zahir previous verse is void according to nash this verse.

²² Al- Sarkhasi, *Ushul As- Sarkhasi*, Daar Al Ma'rifah, Jilid 1, (Beirut, 1993) H. 163

²³ Wahbah Az- Zuhaily, *Ushul Fiqh Al- Islami*, Daar Al- Fikr, Jilid 2, (Damaskus, 1986) H. 320

²⁴ Amir Syarifuddin, *Ushul Fiqh*, , (Jakarta: Kencana Prenada Media Group, 2008) H. 8

²⁵ Abdulloh Musthofa 'Azzam, *Dilaalatu Al- Alkitab Wa As- As-Sunnah 'Ala Al- Ahkaam*, (Mesir, Jam'iyyah Al- Azhar Kulliyah Asy- Syari'ah, 1993) H. 143

MUFASSAR (المفسر)

With the placement of Al Mufassar in third place shows it more clearly than the previous two lafadz. There are several definitions of mufassar, including :

Al-Sarakhsi defined muhkam as the name of something openly known to him in a form in which there is no possibility of any other meaning. Abdul Wahab Khalaf gives a definition: a hadith that by its own sight gives a clue to its detailed meaning so detailed that it cannot be understood any other meaning of the Hadith.²⁶ Al Uddah gives a definition: a lafadz that can be known from its own meaning without the need for qorinah to interpret it.²⁷ From the definitions presented, it becomes clear to us that the essence of lafadz mufassar is His definition of meaning is clear. His appointment was only from lafadz himself without the need for qorinah from outside. Because it is clear and clear and detailed meaning it is impossible to deny.²⁸

Examples of God's word about adultery limits

الرَّانِيَةُ وَالرَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِّنْهُمَا مِئَةَ جَلْدَةٍ

The adulteress and the adulteress, then chastise each one of them a hundred times. Annur 2) , dan tentang had qodzaf.²⁹

وَالَّذِينَ يَزُمُونَ الْمُهَضَّنَاتِ تُمْ لَمْ يَأْتُوا بِأَرْبَعَةِ شُهَدَاءَ فَاجْلِدُوهُمْ ثَمَانِينَ جَلْدَةً

And those who accuse decent women and do not bring forth four witnesses, then chastise them eighty times,

Each of the lafadz is: (ثمانين and مئة) mufassar because he is a certain number. It does not contain any subtraction or addition. The word of God,

وَقَاتِلُوا الْمُشْرِكِينَ كَافَّةً كَمَا يُقَاتِلُونَكُمْ كَافَّةً وَاعْلَمُوا أَنَّ اللَّهَ مَعَ الْمُتَّقِينَ

Fight the polytheists all together as they fight you all together. and know that Allah is with those who fear him.

Thus mufassar is lafadz or kalam accompanied by bayan taqriri or bayan tafsiri so that it becomes clearer than nash and the meaning can be understood with sight not with the meaning of mutakallim. Bayan Taqriri is evidence that determines the possibility of the availability of takhsis when lafadznya 'aam and the possibility of the availability of the meaning of metaphor and exegetical when lafadznya khos, until lafadz be strong, sure and firm as a sentence, وَقَاتِلُوا الْمُشْرِكِينَ كَافَّةً.

Bayan Tafsiri is the description of the remove the presence of vagueness that envelop kalam making it obvious, as the word of God فسجد الملائكة كلهم اجمعين the name of

²⁶ Abdul Wahab Khalaf, *Ilmu Ushul Al- Fiqh*, Daar Al- Qolam, (Kuwait, 1997) H. 239

²⁷ Al- Hambali, *Al- 'Uddah Fii Ushul Fiqh*, Daar Al- Kutub Al- 'Ilmiyyah, (Beirut, 2002) H. 71

²⁸ Amir Syarifuddin, *Ushul Fiqh*, Kencana Prenada Media Group, (Jakarta, 2008) H. 9

²⁹ Lihat: QS An- Nur [24]: 23

the angel is of a general nature which allows the presence of takhsis because he is lafadz jama muarraf with the letter laam to indicate the 'aam but contains the possibility of takhsis most of the angels who did not prostrate, but with the presence of lafadz **كلهم** there goes that possibility. This is bayan taqriri. And when the Angels are gone, the Angels are gone. **أجمعون** This is bayan tafsiri who interprets the way the Angels prostrate and decides the possibility of takwil.³⁰

Mufassar's law is mandatory to practice it. Based on its detailed description and dalalah qoti'. In the period of Rasulullah SAW mufassar contains the possibility of dinaskh if including laws that may be dinaskh. After his death, the entire Qur'an was destroyed.³¹

The example of mufassar is the word of Allah,

وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ

And establish prayer and give zakah.³² Qs. al Baqarah 110

It is a call to worship. Then Rasulullah saw explained the meaning and implementation of prayer and zakat both orally and in practice. And the word of the Lord came to pass.

AL MUHKAM (المحكم)

Muhkam is a lafadz that shows the meaning in question, which is indeed brought to that meaning. This Lafadz clear understanding, no longer accept the takwil and takhsis. In fact, it is sometimes accompanied by expressions that indicate that lafadz does not accept the existence of nasakh.³³ As the Prophet said " Jihad is continuous until the day of judgment." And as God says " and do not accept their testimony forever. QS. a-Nnur :4

Al Muhkam is stronger than Al Mufassar but not brighter. It is said so because Al Muhkam did not accept the nasakh while Al mufassar did. Non-acceptance of Al Muhkam against the naskh does not affect the clarity of the statement. Because the non-acceptance of naskh is not derived from the substance of naskh but from other causes. Therefore Al Muhkam stronger than other lafadz-lafadz.

There are two reasons why Al Muhkam did not accept the naskh either in the period of Rasulullah SAW or after he died, namely :

- a. Nash muhkam which has a meaning that is not likely to change. Such as the basic laws in religion, among others, faith in Allah SWT, his angels, his books, his messengers and faith

³⁰ Wahbah Zuhaili, *Ushul Fiqh Al Islami*, Daarul Fikr Damaskus Syiria 1986, Hal 321

³¹ Abdul Karim Zaidan, *Al Wajiz Fii Ushul Fiqh*, Muassasah Arrisalah Beirut Lebanon, Hal 344

³² QS. Al Baqoroh Ayat 110

³³ Muhammad Abu Zahrah, *Ushul Fiqh*, Penerbit Pustaka Firdaus (Bandung, 2008) H. 178

in the last day, faith in the attributes of Allah SWT.³⁴ Nash-nash about the main points of morality recognized by the common sense such as honesty, keeping promises, trust, devotion to parents, sillaturrahmi and nash-nash which means the opposite of that. Such as lies, treachery, injustice, disobedience to parents and decided sillaturrahim. And when it comes down to it, there are signs.³⁵ like verse

وَمَا كَانَ لَكُمْ أَنْ تُؤْذُوا رَسُولَ اللَّهِ وَلَا أَنْ تُنْكِرُوا أَرْوَاجَهُ مِنْ بَعْدِهِ أَبَدًا إِنَّ ذَلِكَ كَانَ عِنْدَ اللَّهِ عَظِيمًا (٥٣)

The Qur'an makes it clear that this ruling applies forever. The verses that have such meanings are entirely muersifat Lia'inihi or lidzatihi because their meaning cannot change.

- b. Naskh which contains the possibility of naskh both in lafadz and in its meaning. But the possibility disappeared because of the death of Rasulullah SAW before there is information about his Naskh. This is the entrance to the lighthouse. So all parts of wadih dalalah, namely dzahir, nash and mufassar became muhkam after the death of Rasulullah SAW. Muhkam in the sense of being free from naskh is not from takhsis or takwil.³⁶

The usul scholars agree that al-muhkam occupies the highest position in clarity among the degrees of clarity of lafadz. al muhkam shows a clear meaning and there is no possibility of takwil, takhsis and naskh. Both at the time of his death and after his death. It is obligatory to practice the law of lafadz muhkam definitively (qoti') without containing other alternative possibilities and it is not possible to dinaskh by other lafadz. the descriptions of metaphysical things must also be believed.

It is based on the Mutakallimin method

The people of usul or mutakallimin describe the pronunciation in terms of the meaning of it in a simpler way. For a clear statement that means this group divides it into two, zahir and nash. But Imam Shafi'i himself did not distinguish between Zahir and nash. For him Zahir and nash are two names (pronunciation) for one meaning, as expressed by abu Hasan al-Basri: Nash according to the limits of Imam Shafi'i is a circumcision that can be known the law in question, whether known it by itself or through another way.

³⁴ Lihat Abdulloh Mustofa Azzam, *Dilalah Alkitab Waasas-Sunnah Ala Al Ahkam*, Jamiyyah Al Azhar Kulliyah Assyariah, (Kairo Mesir 1993) H.183

³⁵ Wahbah Zuhaili, *Ushul Fiqh Al Islami*, Daarul Fikr (Damaskus Syiria 1986), Hal 323

³⁶ Muhammad Ubaidillah Al Isadi, *Al Mujiz Fii Ushul Fiqh*, (Kairo Mesir, Daarussalam,1998) Hal 141

Mujmal in Shafi'i view is the same as mufassar in Hanafi view, while muhkam in Hanafi view is also called nash in Shafi'i view³⁷

In the next development after Imam Shafi'i nash and zahir is distinguished understanding of each, namely :

i. Nash

Nash according to etymology is az-Zuhr (clear). According to nash's definition of development. Understanding nash according to Imam Shafi'i (d.204) is the understanding of nash in general, the text of the Koran and the Sunnah of the Prophet both firmly and unequivocally³⁸

Based on this understanding, all the verses contained in the Qur'an and the Hadith of the Prophet are nash, because what is meant by nash here is the text itself.

It is not far or near except that which is quick to be grasped. For example, the word al-khamsah, which is a noun number that indicates five and like verse 196 of surat Al-Baqarah when explaining dam (fine) Hajj tamattu' when unable to pay a goat, it is obligatory to fast 3 (three) days in Mecca and 7 (seven) days when returning to his country.:

"When you are secure, then whoever wishes to perform 'umrah before the Hajj (in the month of Hajj), (it is obligatory for him to slaughter) a sacrifice that is easy to get. but if he does not find it, then it is obligatory to fast three days during the Hajj and seven days (again) when you have returned. That is the perfect ten (days). that is for those whose families are not in the vicinity of the Sacred Mosque. and fear Allah, and know that Allah is severe in punishment

The word '*asyaratun* we are the nash because there is no other sense of righteousness except ten days, no more nor less. That is what every word means.

The mutakallimin scholars agree that the rules that apply here are obliged to practice what is written for sure, it is not permissible to perform Ijtihad on things that have nashnya. This is a clear and clear sign.³⁹

ii. Zahir

And the language is clear. it is a matter of conjecture. Surely Allah is Swift in hearing. But there is still little other understanding other than the understanding that is

³⁷ Muhammad Adib Salih, *Op.Cit* H. 198-199

³⁸ Satria Efendi, *Ushul Fiqh*, (Jakarta : Kencana Press, 2009), H. 219

³⁹ *Ibid*, H. 220

captured. Imam Ghazali defines *zhahir* as *lafalafz* that can be directly understood by the human mind that allows it to be rejected⁴⁰

An example of *Zahir's* pronouncement in everyday speech is “*raaitu asadan* ” (I saw a lion). The meaning of a lion is not the meaning of the outward appearance. It is (the plain meaning) a lion, and the *majazi* meaning is a brave man (not the plain meaning).

For example, in the hadith narrated by *amar bin Sharid* :

عن عمرو بن شريد بن سويد عن ابيه -رصى الله عنه- قال - ان رسول الله صلى الله عليه وسلم قال : الجار احق بصقبة (رواه البخارى وابو داود والنسائى وابن ماجه والشافعى)⁴¹

The word *al-jaaru* in the above statement means neighbor and ally. Neighboring *Lafadz* is the pronunciation of *zhahir* because he was more quickly arrested with the pronunciation of *bishaqabihi* which means because of its proximity.⁴²

Another example is the word of Allah in surat *al-fath* verse 10 :

..... يد الله فوق أيديهم (الفتح : 10)

Yad (hand or power) of Allah their hands

The meaning of *Zahir* from the word *yad* in the verse is “hand ” because that is why the word was formed from the beginning. However, it is possible that what is meant is not the meaning of *zhahirny* but another meaning, namely power. So it is implied that this can only be functioned when it is supported by other arguments because it is refuted. According to *usul* scholars, the rule that applies here is that every utterance of *The Zahir* must be held to the meaning of *The Zahir* as long as there is no indication that the speaker's intention is a hidden meaning⁴³

It is not permissible for a man to marry a non-Muslim unless he is married to a non-Muslim. And it shall not be left until there is a proof that turns it away

B. Implications Lafadz based wadhiih dilalah against the establishment of law according to the method of Hanafi and Mutakallimin

Based on the explanation of the previous data, it can be seen that the *mutakallimin* group is different from the *fuqaha* (*hanafiyah*) group in understanding the utterance when

⁴⁰ Al-Ghazali, *Al-Mustashfa Fi Ilmi Al-Ushul*, (Beirut : Darel Kutub Al-‘Ilmiyah, 1983), Juz I, H. 384

⁴¹ Bukhari, *Jami’ Shahih Al-mukhtashar Lil Bukhari*, (Beirut : Dar Ibn Katsir, 1987) Juz VI, H. 259

⁴² Abdul Wahab Abdul Salam, *Op.Cit*, H. 295,

⁴³ Satria Efendi, *Op.Cit*, H. 221

viewed from the clarity and ambiguity of its meaning. Differences in understanding of the clarity of meaning implicated in mengistimbathkan law

The Hanafi scholars have clearly divided the meaning of each utterance into four levels. To understand a clear statement *dalalah* (*wadhiah*) does not require another proposition. A meaning will be understood and obtained by a person when encountering *lafadz wadhiah* by seeing and listening to *shighatnya* only. These four levels are *zahir*, *nash*, *mufassar* and *muhkam*. This grouping is related to the possibility of accepting or rejecting *takwil*, *takhsis* or *nasakh* for pronouncements whose designation means *wadhiah dilalah*. The meaning of *zahir*, and *nash* on the statement can be *takwil*, *diakhsiskan* or even *dinasakhkan*. As for the pronouncement of *mufassar*, it is higher than *zahir* and *nash*, therefore he only accepted the possibility of *dinaskh* during the time of the prophet and could not be rejected or enthroned.

The *ulama* of *usul* or *mutakallimin* divide the clear utterance of *dalalah* or its meaning into two, namely *nash* and *zhahir*. There are several cases of examples that the author describes as follows to show the consequences of differences in the understanding of scholars on a statement based on clarity and whether or not *dalalah* according to the method of *mutakallimin* and *hanafiah*.

38 *assariquthairman* Allah surat *al-maidah* Ayat 38 berbunyi man who steals and the woman who steals, cut off the hands of both of them (as) retribution for what they did and as a punishment from Allah. and Allah is exalted in might, wise.

Indeed, it is clear that the person who takes the valuable property of others in the storage place secretly. However, the utterance has a lot of meaning units (*afrad*), namely pickpockets, robbers, shroud thieves and others who have excess properties or lack of properties compared to thieves in the sense above. Whether the sanctions *hukiman* cut off the hand is treated against all units of that meaning. This is where the ambiguity arises.

What is the punishment for a thief? The scholars differ in this regard *nabasy* in terms of the application of the law. Abu Hanifa argued that there is no need for a *nash* statement that requires the sanction of theft to “*nabasy* (the thief of the shroud) because the criteria for the definition of a thief are not complete in *nabasy*, this does not include the general meaning of stealing and does not cover it, because the shroud does not belong to a living person nor the shroud is taken from a hidden place because the grave is not a place to store valuable things.⁴⁴

⁴⁴ *Ibid*, H. 236

As for Imam Shafi'i, Malik, Imam Ahmad from the mutakallimin sect and Abu Yusuf (followers of Imam Abu Hanifa) argue that the thief of the shroud includes the general meaning of the thief because the word stealing includes both, therefore the sanctions that apply to thieves also apply to the thief of the shroud.⁴⁵ Specifically, the naming of nabasha is not to reduce the meaning of the thief but to show the cause of the theft, namely nabasha.⁴⁶

Based on the difference of opinion of the scholars above, the authors do pentarjihan on both opinions. The word thief in this verse is the word nash in the view of mutakallimin, its meaning must be taken as it is. Meanwhile, the Hanafi school interprets the thief's statement as the Khafi statement that qarinah and his explanation should be sought.

In this issue, the strongest opinion according to the author is the opinion of the majority who argue that nabasy is part or group of Thieves, his hands must be cut off if the amount he stole reaches his nishab. The meaning of the word Thief includes the meaning of nabasy both in language and syara'terms. This is further reinforced by the Hadith of the Prophet who considered that the grave is a house.⁴⁷

C. Implications Lafadz based Wadhih Dilalah against Ibada activities according to the method of Hanafiah and Mutakallimin

The method of understanding lafadz in the formation of law according to the Mutakallimin and Hanafi methods can have important implications for worship activities such as prayer and Zakat. On the implementation of prayer can be seen from a different understanding of lafadz in the Qur'an or Hadith related to movement and prayer in prayer. As for the more detailed Hanafi method in discussing the furu ' issue, it may produce more detailed guidelines regarding the implementation of prayers. For example, the difference in understanding the lafadz related to prayer movements, such as "Sami'allahu liman hamidah" (Allah hears who praises him), can have implications for variations in movement or body position when bowing and rising from bowing. The Hanafic method may produce more detailed rules about when and how to pronounce these lafadz, while the Mutakallimin method may emphasize the meaning of the lafadz in a broader religious context.

You will see the wealth of the rich and the wealth of the poor. Zakat can be seen in the rules of Determination of Nisab and Types of Assets that Must be Zakaah Where the

⁴⁵ *Ibid*

⁴⁶ *Ibid*, H. 239

⁴⁷ *Ibid*, H. 240

Hanafiah and Mutakallimin methods in understanding the lafadz related to zakat can affect the determination of the rules of nisab and types of assets that must be zakaah. This difference in interpretation could have an impact on how zakat is managed and distributed, which is one of the important pillars in the pillars of Islam.

CONCLUSION

The Mutakallimin and Hanafi methods show a fundamental difference in the approach to the formation of Sharia law. Mutakallimin places more emphasis on theoretical and linguistic studies, focusing on lafadz and logical arguments, while Hanafiah is more pragmatic, developing usul fiqh rules based on existing furu' cases. These differences affect the application of the law in various aspects of worship which are the pillars of Islam, such as prayer, zakat, fasting, and Hajj. The Mutakallimin tend to be strict and literal in interpretation, while the Hanafis are more flexible and take into account social conditions and local traditions. By understanding these methodological differences, Muslims can apply Sharia law more relevant and contextually in accordance with various conditions, so that they can still carry out worship correctly.

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