

### **Al-Syāfi'i's Perspective on the Method of Resolving the Conflicting Hadiths**

Roqiyul Ma'arif Syam  
Pascasarjana UIN Sunan Kalijaga Yogyakarta  
[roqiyul.oki@gmail.com](mailto:roqiyul.oki@gmail.com)

**Abstract:** *This article describes the method solution of the maqbul hadith against one another (mukhtalif), which is hadith authenticity or goodwill looks opposite each other authentic hadith or other hadan. However, the meaning of the hadiths it's not the opposite, because with each other on the principle can be solved by: First, compromise trying to collect both, until he lost his match. Second, the goal is to find where between the two hadiths that came first, and where it comes from then. Then the hadith came over first it must be deduced by the hadith who came later. Third, Tarjih is doing research on which powerful hadith neither his nor his eyes, for targeted. A powerful hadith is called a hadith rajih, while the target is called crushed. The solution is according to al-Shafi'i.*

**Keywords:** *Resolving, Methods, Mukhtalif al-Hadith, al-Syāfi'i.*

### **Introduction**

Hadith ranks second, in the Islamic legal resource system. It functions as texts that are still in the form of lines the amount will limit the generality of the text or set a law that hasn't manifestly mentioned in the Qur'an. Actually, in one respect, the hadith can be said to be a standing legal source own. Because sometimes he brings a law not mentioned in the Qur'an. But, seen from the other side, he is not seen as a separate legal source. Because of its function as a *tabyin*, it won't free himself the rules of the Qur'an itself, alongside what was said and The Prophet (PBUH) did not escape the revelations revealed to him.<sup>1</sup> Therefore, the Prophet's hadith is also a revelation, and His appearance appears through the editor or Prophet Muhammad's behavior as the Messenger of Allah. Pg this is explained in the word of God: "And it is not what he said was (al-Qur'an)

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<sup>1</sup> Alaidin Koto, *Ilmu Fiqih dan Ushul Fiqih (Suatu Pengantar)* (Jakarta: PT. Raja Grafindo Persada, 2006), 71-72.

according to will his lust. (His words) nothing but revelations revealed to him ". (QS. An-Najm: 3-4).

Structurally, the hadith is guidelines and laws contain methods Islamic method, both *aqidah* problem, morals, *mu'amalah* and all things related to life. Whereas in a way the functional hadith is an explanation as well as the practice of the Koran thorough. The very position of the hadith importantly, making a hadith must be absolutely valid and can be guaranteed answer comes from the Prophet Muhammad PBUH.

The majority of scholars say that what is meant by the hadith of the Prophet PBUH are all words, deeds, *taqrir*, and matters which are attributed to the Prophet PBUH.<sup>2</sup> In addition, scholars are also different in providing an understanding of the sunnah. In terminology, the definition of sunnah can be seen from 3 (three) scientific disciplines, as follows:

First, the Science of Hadith, the experts of hadith identify the Sunnah with the hadith namely: Everything that is propped up to Prophet Muhammad PBUH, both words, his actions, and statutes. Second, Science of Usul Fiqh, understanding sunnah according to *ushul fiqh* scholars are everything that is narrated from the Prophet PBUH, in the form words, deeds and statutes related to law. Third, Fiqh Science, understanding of sunnah according to fiqh experts, almost the same as that understanding stated by experts of *ushul fiqh*. Will but the term sunnah is in fiqh, too intended as a legal one taklifi, means an action that will get rewarded when done and not sin when left.<sup>3</sup>

All the Hadiths that come to us, in terms of quality to be able to practice or abandoned, can be divided into three, namely (*saheeh*, *hasan* and *dhaif*).<sup>4</sup> The first two terms are said as *maqbul* Hadiths, which are obligatory Hadiths practiced and can be proven while the last one (hadith *dhaif*) is *mardud*, in the sense of not allowed practiced or rejected. While yang *maqbul* quality, not a few others

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<sup>2</sup> Muhammad Ajjaj Khatib, *Ushul Hadits; Ulumuhu wa Musthalahuhu*, Dar al-Fikri, Bairut 1989, 27-28. Compare, Yusuf Qardhawi, *Sunnah dan Bid'ah*, Gema Insani, Jakarta, 2004, 12-13.

<sup>3</sup> Abuddin Nata, *Metodologi Studi Islam* (Jakarta: PT.Raja Grafindo Persada, Cet. IX, 2004, 73. Compare, Masfuk Zuhudi, *Pengantar Ilmu Hadis* (Surabaya: Bina Ilmu, 1985), 13-15.

<sup>4</sup> *Dasar Pembinaan Hukum Fiqh Islami* (Bandung: PT.Al-Ma'arif, 1986), 53. See also, Fatchurrahman, *Iktishar Mushthalahu'l Hadits* (Bandung: PT. Al-Ma'arif, 1991), 95-140.

confusing to implement or practiced because there were several Hadith that discusses one topic and contradictory between one with others. This is already an item certainly received serious attention from the para Hadith scholars, so they study those *mukhtalif al-Hadiths* carefully so that both can be practiced. They build a theoretical framework for completing these Hadiths, set forth in one branch of science the hadith called "The Science of the Mukhtalif al-Hadith", and was first coined by Imam al-Shafi'i with his book "Ikhtilaf al-Hadith".

### **Understanding the Mukhtalif Hadith**

How many definitions are thereby scholars about the *mukhtalif hadith*, including:

According to al-Tahanuwi, the *mukhtalif hadith* are two mutually exclusive Hadiths contrary to the meaning of *zahir* and the purpose intended by something with others, can be compromised in a way reasonable (not sought).<sup>5</sup>

The definition put forward by al-Tahanuwi above, limit the *mukhtalif* hadith only in the Hadiths of *maqbul*, and no including *da'eef* Hadiths. While in the opinion of the majority of scholars, hadith who meet the *maqbul* requirements are *sahih* and *hasan* Hadiths.

Meanwhile, according to al-Nawawi, quoted by al-Sayuthiy that the *mukhtalif hadith* is two conflicting Hadiths in the meaning of *zahir*, then both compromised or *tarjih* (for find out which is the strongest in among them).<sup>6</sup>

Al-Nawawi in its definition enters all the hadiths that are the end seems contradictory between one with others, into the meaning of the hadith *mukhtalif*. But according to Yusuf al-Qardhawi, that hadith *da'eef (mardud)* no included in the field of *mukhtalif* hadith.<sup>7</sup> Therefore, if there is a hadith *maqbul* contrary to the hadith *mardud*, then definitely hadith *mardud* had been abandoned.

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<sup>5</sup> Syarf al-Din Aliy al-Rajihy, Musthallah al-Hadis wa Asaruh 'ala al-Dars al-Luqhawiy, (Beirut: Dar al-Nadhah al-Arabiyah, tt), 217.

<sup>6</sup> Jalal al-Din Abd al-Rahman ibn Abi Bakr al- Suyuthiy, *Tadrib al-Rawi fi Syarh Taqrib al-Nawawi* (Madinah: al-Maktabah al-Ilmiyah, Jilid.II, 1972), 196.

<sup>7</sup> Yusuf Qardhawi, *Kajian Kritis Pemahaman Hadis*, Perterjemah A.Najiyullah, Judul asli *Dirasah al- Sunnah al-Nabawiyah*, (Jakarta: Islamuna Press, 1994), 167.

Based on the above definition, it can be understood that what is meant by the *mukhtalif hadith* is the authentic hadith and *hasan*, by the way it seems contradictory to other authentic hadiths and *hasans*. But the purpose addressed by the Hadiths It is not contradictory, because of one with others in principle can be compromised or searchable the solution is by *nasakh* or *tarjih*.

The science of *mukhtalif al-hadith*, according to Ajaj al-Khatib was the first scholar to study and accumulate *mukhtalif* science al-hadith is Imam al-Shafi'i, in the book *Mukhtalif al-Hadith*. He also enter the Hadiths involved the problem of *tanawwu'*-worship (diversity in order method of performing worship) into *mukhtalif hadith* groups. After al- Shafi'i, the study of *mukhtalif hadith* followed by subsequent scholars, like Abdullah bin Muslim bin Qutaibah al Dainury, Abu Ja'far Ahmad bin Muhammad al-Thahawiy and Abu Bakr Muhammad bin al-Hasan.<sup>8</sup> As is the scholars' attention to the Hadiths *mukhtalif*, has given birth to a branch science in the discipline of hadith, called with the Science of Mukhtalif al-Hadith. Some scholars named this knowledge by Science Musykil al-Hadith, there is also a name with Ta'wil al-Hadith and some the others named it Ilmu Talfiqiel The hadith.

Whereas Manna 'al-Qaththan mentions the definition of *mukhtalif al-Hadith* and musykil al-Hadith, namely science which combines and blends between the Hadiths that obviously conflicting, or explaining science *takwil* hadith which is impossible even though it is not contrary to other Hadiths.<sup>9</sup> While Ajaj al-Khatib, defines *mukhtalif* science al-Hadith, that is discussing Hadiths which are contradictory to each other, to get rid of disagreement such or to be able to find a compromise.<sup>10</sup>

According to Fatchur Rahman, science *mukhtalif al-Hadith* is a science that discuss compliant Hadiths obviously contradictory, to eliminate that resistance or compromise both, as a matter of fact as well as discussing difficult Hadiths

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<sup>8</sup> Muhammad Ajaj al-Khatib, 284-286.

<sup>9</sup> Manna' al-Qaththan, *Pengantar Studi Ilmu Hadis*, Penerjemah, Mifdhol Abdurrahman, Original tittle, *Mabahits fi Ulum al-Hadits* (Jakarta: Pustaka al-Kautsar, 2005), 103.

<sup>10</sup> *Loc-cit*.

understood or taken contents, for getting rid of the difficulties and explain the nature.<sup>11</sup>

With some regard definition above, it can be understood that science mukhtalif al-hadith is a science discuss compliant Hadiths the zahir is contradictory (opposite), then eliminate the contradiction or compromise between both. As he also discussed about the Hadiths that are difficult to understand or its contents, by the way, get rid of improbability (the difficulty) and explain its nature. With this the science of *mukhtalif al-hadith*, is a theory (procedures) formulated by scholars, to finish the hadiths of Maqbul, by contrast, looks contradictory, so that compromise can be found or the way out of the solution, so the purpose of these Hadiths can be understood well.

As for the objects of science of *mukhtaliful hadiths*, namely the Hadiths of *maqbul* the opposites, to compromised its contents both with the path of limiting (*taqyid*) its absoluteness or by specializing (*takhshis*) publicity and so on. Or, hadith impossible, to be posted, until it loses its impossibility, though the improbable Hadiths are not mutually exclusive the opposite.<sup>12</sup> While the Hadiths of Mardud (Da'eef and Maudhu '), do not include objects the study of this knowledge, because it cannot be used as legal argument or evidence.

The Science of Mukhtaliful Hadith, including the wrong one of the very hadith sciences required by the Muhaddisin, Fuqaha' and others. For someone who wants to pluck the law from his arguments let have the knowledge deep, strong understanding, know the generality and specialty, get to know the absolute of an argument and its *muqayyad*. He does not enough to memorize the Hadiths, its *sanads* without knowing the provisions and understand it with correct. What's more if the Hadiths are in making the source or the argument of the law appear contrary to its birth.

To note, the science of *mukhtalif al-hadith* is a branch of hadith not stand alone but has a connection that is closely related to the branch of hadith science the other. Like the science of *gharib al-hadith*, *asbab knowledge al-wurudil*

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<sup>11</sup> Fatchurrahman, 294.

<sup>12</sup> Fatchurrahman, 294.

*hadith, nasikh wal mansukh*. Even This science is closely related to scientific disciplines others, such as the science of jurisprudence and the science of *usul fiqh* needed to be able to be *istinbath* law and understand the meaning of that conceived of that Hadith well. Therefore, to be able to master the science of *mukhtalif al-hadith* this, besides having to master your science good hadith, of course, sufficient knowledge is also needed about other disciplines as explained above.

### **The Scriptures of Mukhtaliful Hadith and Its Promoter**

According to Ajaj al-Khatib, *mukhtalif* science al-hadith in practice has existed since *Shahabah* era and then flourished among the next generation. Therefore, they resort to finding answers to various problems that arise in their day, always facing each other with the Hadiths of the Prophet Muhammad. False one of them, there are Hadiths a *mukhtalif* that needs attention in order to resolve the conflict that appears, so that the intended purpose of the hadith it can be understood as well as its law it contains can be terminated in a manner well.<sup>13</sup>

Whereas Manna 'al-Qaththan, explains that the science of *mukhtalif al-hadith* appeared and was needed at birth some flow groups, and mushrooming class and school. Then everyone strengthens and maintains each group, and try to destroy the group's opinion other. Among them, like groups (Mu'tazilah, Murji'ah, Qadhariyah, Rafidhah, and Khawarij) who inflame issues and doubts of some of the Hadiths of the Prophet, peace be upon him the opposite is opposite or contradictory with their school. Therefore experts Hadith, make an effort to refute and dispel all their doubts, by collecting and compromise these texts.<sup>14</sup>

In my opinion, the science of *mukhtalif al-hadith* practically existed at the time of friends. This can be proven by their existence in their understanding of the Hadiths *mukhtalif* completed by the way compromise. For example, there is a hadith forbid carrying out inclusion when fasting, and some allow it. Al-Tsauriy and other best friends, finish the hadith contradicts the *zahir* by compromising it, i.e. with the understanding that the prohibition of hadith it's not absolute, it's

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<sup>13</sup> Muhammad Ajaj al-Khatib, 183.

<sup>14</sup> See, Manna' al-Qaththan, 103-105.

because it could cause a person's physical condition becomes weak, and can further damage the fast. Because that, the prohibition of the hadith is not forbidden but only for surrender.<sup>15</sup>

However, theoretically,<sup>16</sup> *mukhtalif al-hadith* is the first time was instigated by Imam al-Shafi'i (died 204 H) with his book "Ikhtilaf al-Hadith". Then, *mukhtalif* books appeared Other al-hadiths, including:

1. *Ta'wilu Mukhtalif al-Hadith, the work of al-Hafidh 'Abdullah bin Muslim bin Qutaibah ad-Dainury* (213-276 H). Book This was written by the author, for providing answers for people who challenge the hadith; and accuse the Hadith Experts who intentionally collecting hadiths opposites and narrates improbable Hadiths. He is collected according to Hadiths the *zahir* is opposite, and then he is elaborate so that these Hadiths, not opposite each other.
2. *Musykil al-Atsar*, by Imam Abu Ja'far Ahmad bin Muhammad at-Thahawy (239-321 H). Next to him as Muhaddits, also he is famous as Al-Faqih (fiqh expert). The book that he This stacking, consists of 4 volumes and has printed in India in (1333 H).
3. *Musykil al-Hadits wa Bayanuhu*, the work of al-Muhaddits Abu Bakr Muhammad bin Al-Hasan (Ibn Furak) Al-Anshary Al-Asbihany (died 406 AH). He compiled some of the Nabawi hadiths according to the allegedly similar *zahir (tasybih)*, and the opposite (*tanaqudl*) which thrown by people who are hostile to religion. Then after he explained the Hadiths, refrain their accusations. Because of the description which he found, on the side based on texts and also grounded in logical analysis. Book This has been printed in India for years (1362 H).

### **Method of Resolving on the Hadiths Mukhtalif**

The method of establishing Islamic law, in a manner simple can be interpreted as ways establish, research and understand the rules are sourced from

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<sup>15</sup> Muhammad bin 'Aliy bin Muhammad al-Syaukani, *Nail al-Authar* (Beirut: Dar al-Fikr, Ct.II, Jld.I, tt), 226-227.

<sup>16</sup> Fatchurrahman, 297. See also, Abd al-Rahman bin Abi Bakr al- Syayuthiy, 196.

“*Nash*” law, to be applied in human life, both concerning individual or community. This method contained in a scientific discipline known as the science of *usul fiqh*, i.e knowledge that discusses the postulates of the law in general (*ijmal*), way its use and the state of people who are taking advantage of that is Mujtahid.<sup>17</sup> Through this knowledge, knowledge of Islamic law can be realized, so that the science of *ushul fiqh* identified as a methodology conventional studies in Islamic law or collection of theories of Islamic law.

In the books of *usul fiqh*, discourse about the method of establishing Islamic law or the method of *ijtihad*, is always associated with the arguments of Islamic law. A theorem in the literature the science of *usul fiqh*, is defined as "Something that can be conveyed to the information sought, using correct reasoning".<sup>18</sup> Or, something can convey to knowledge certainly about the information sought.

Al-Shafi'i is known as the foundation of the first methodology of Islamic law, set forth in his book *Ar-Risalah*.<sup>19</sup> The theories of determining the law are sufficient well, arranged in simple language but clear and firm. Al-Shafi'i is seen by the scholars as to the creators of *ushul fiqh*, and the discussion continued by the ulama next generation.

Al-Shafi'i views *ijtihad* as an appropriate and important method in establish Islamic law. Therefore, al-Shafi'i is one of the mujtahids who do a lot of *ijtihad* activities with his own method. So that his jurisprudence is different from other *mujtahid imam fiqh*, in certain problems.

Search and analyze methods *ijtihad* al-Shafi'i means studying and study, how al-Shafi'i establish the practical law of jurisprudence (practical) from in al-Qur'an and al-Hadith, and how also he set these texts as the proposition. Stability and efficacy methods al-Shafi'i is clearly seen in sequence (chronological) in compiling the proposition he uses in *istinbath al-hukm*, namely: (1) Al-Qur'an (2)

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<sup>17</sup> Duski Ibrahim, *Metode Penetapan Hukum Islam: Membongkar Konsep al-Istiqra' al-Ma'nawi Asy-Syatibi* (Yogyakarta: Ar-Ruzz Media, 2008), 79.

<sup>18</sup> See also, Amir Syarifuddin, *Ushul Fiqh* (Jakarta: Kencana, Prenada Media Group, Jilid. I, 2008), 48.

<sup>19</sup> Abdul Wahhab Khallaf, *Ilmu Ushul Fiqh* (Jakarta: Rajawali Press, 1989), 11-12.



A-Hadith (As-Sunnah) (3) Al-Ijma ', and (4) Al-Qiyas.<sup>20</sup> Al-Shafi'i also uses *istishab* as his method of establishing the law, if legal provisions of an event not found in the four legal propositions above.

Since the time of the Prophet Muhammad PBUH, Muslims believe in hadith or are identical as *Sunnah*, is wrong one source or the proposition of Islamic teachings after Al-Qur'an. The main basis of that belief, because of the various instructions in al-Qur'an, so that Muslims obey Rasulullah PBUH. Among them (QS. Ali 'Imran: 32, QS.An-Nisa': 59 and 80, QS.Al- Ahzaab: 31 and 36, QS. Al-Maidah: 67 and QS.Al-Qalam: 4).

Based on the instructions of verses al-Qur'an, it is clear the Qur'an and the hadith (sunnah) is a source or proposition the main teachings of Islam. When given a sequence number, then the Qur'an is the source or the first proposition, and the hadith is the source or the second proposition of Islamic teachings. The reason based on logical thinking, namely the Qur'an is the word of Allah, while the hadith something that comes from God's messenger.<sup>21</sup> That is why the scholars set the hadith as the second source or theorem, after the Qur'an in Islamic jurisprudence.

The existence of the proposition (instructions), wills the tone is *madlul* (designated), because of which referred to here is "the argument of the law", then the *madlul* is the law itself. Every legal proposition that requires it the law that applies to something that subjects to law. If there is a *sutu* the proposition requires the application of *humum* over something case (event), but in addition, there is also other propositions that require entry into force other law, in that case, then the two propositions it is called clashing or contradictory.<sup>22</sup> This is Islamic legal terms is called "Ta'arudh", which are two opposites legal proposition, and one of the two the proposition denies the law designated by other propositions. Or, the essence of this *ta'arudh* revolves around two *dalil* (instructions) which are different, one set

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<sup>20</sup> Al-Syafi'i, *Ar-Risalah* (Mesir: Syirkah Maktabah wa Mathba'ah Musthafa al-Baby al-Halabiy wa Auladuhu, 1969), 33-105. See also, al-Syafi'i, *Al-Um* (Mesir: Maktabah al-Kulliyah, 1961), 2436. See also, KH. Siradjuddin Abbas, *Sejarah dan Keagungan Mazhab Syafi'i*, (Jakarta, Pustaka Tarbiyah, 1991), 119-135.

<sup>21</sup> Ahmad Hasan, *Pintu Ijtihad Sebelum Tertutup* (Bandung: Pustaka, 1984), 44.

<sup>22</sup> Amir Syarifuddin, 223-224.

and the other deny the Definition of the clash (contradictions) the proposition includes the proposition *naqli* (the proposition is textually specified in al-Qur'an or hadith of the Prophet PBUH). Because of that, the *mukhtalif* hadith as already in described above, including the part of the category of *ta'arudh al-adillah* (contradictory proposition).

Asy-Syatibi looked at that at essentially *ta'arudh al-adillah* (contradictions theorem) it is not possible, because of sharia is a revelation. The existence of it is only in terms of mujtahid's view when two propositions impossible to compromise.<sup>23</sup> Thus, there is the reality of understanding regarding the contradiction of this proposition, it seems is a problem of one's ability mujtahid or Islamic legal experts in integrating the proposition, both from the historical aspect and its meaning.<sup>24</sup> So in context, this is *ta'arudh al-adillah* understood, that is each of the two or more propositions which require the existence of a law which different, and these postulates are equal.

Whenever you find contradictions, such as *mukhtalif al-hadiths* then the method (how it works) Shafi'i in the solution, namely: (1) *Al-Jam'u wa at-taufiq* (collect and compromise the two arguments that seem contradictory). (2) Applying Nasakh theory (cancellation law). (3) Apply the *tarjih* theory (strengthen one of the arguments above that other). (4) Tawaqquf, which is leaving two contradictory propositions and seek another proposition.<sup>25</sup>

Meanwhile Edi Safri explained Shafi'i methods in detail of completion *mukhtalif Hadiths*, namely: First, settlement in the form of a compromise, consisting from: (a) settlement by approach Usulul fiqh, (b) settlement based on contextual understanding, (c) understanding based on understanding correlative, and (d) settlement by means of takwil. Second, Resolving in-kind *nasakh*. Third,

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<sup>23</sup> Duski Ibrahim, *Metode Penetapan Hukum Islam: Membongkar Konsep al-Istiqra' al-Ma'nawi Asy-Syatibi* (Yogyakarta: Ar-Ruzz Media, 2008), 151-152.

<sup>24</sup> Duski Ibrahim, *Metode Penetapan Hukum Islam*, 152. See also, Muhammad al-Khudhari Bik, *Ushul al-Fiqh* (Beirut: Dar al-Fikr, 1988), 358.

<sup>25</sup> Muhammad Wafa, *Ta'arudh al-Adillah asy-Syar'iyah min al-Kitab wa as-Sunnah wa at-Tarjih Bainaha* (Kairo: Dar al-Qalam, 2001), 79. Baca dan bandingkan, Abu Hamid Muhammad ibn Muhammad al-Ghazali, *al-Mustasfa fi Ushul al-Fiqh*, Dar al-Fikr, Beirut, 1332H, Jilid.I, 522-523. See also, Duski Ibrahim, 152-153.

settlement in the form of *tarjih*.<sup>26</sup> For more details, then he explained length width as follows:

### **1. Resolving in Compromise Form**

An attempt to collect two fruit of the hadith that seems to be mutual contrary to its meaning is called "Talfiful-Hadits". If two hadiths this opposite can be reconciled the meaning is, then it is not justified practiced one of the two, the others were abandoned.<sup>27</sup> So what is meant by settlement in this form of compromise is the completion of the *mukhtalif Hadiths* of apparent opposition, by the way, trace the intersection of meaning content each one, so that is the intention actually intended by one with others can be compromised. Or, by seeking understanding right against those Hadiths that seem contradictory, that shows the traveling of meaning it contains so that each can be practiced in accordance with the statement of the law that it points.

#### **a. Resolving by The Usul Fiqh Approach**

In an effort to resolve the clash between two legal propositions, the scholars of ushul fiqh, departed to a principle which formulated in the rules: "Committing two propositions clash, better than getting rid of one of them".<sup>28</sup>

There are three stages of completion which are reflected in that rule, namely: (1) As far as the possible second the proposition can be used at once, so no theorem is removed. (2) After by means of whatever the two propositions cannot be used at once, then at least one attempt of which are activated; while the other is abandoned. (3) As a final step, it can't avoid both propositions leave, in the sense of not light both of them.

Understanding the Hadith of the Prophet PBUH, by guiding provisions or methods of Usul Fiqh that has been formulated by scholars, so that the Haidths are That contradiction can be sought the solution and the same can be practiced. The

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<sup>26</sup> Edi Safri, *al-Imam al-Syafi'i: Metode Penyelesaian Hadis- Hadis Mukhtalif* (Padang: IAIN Imam Bonjol Press, 1999), 95. See also, Muin Umar, dkk. *Ushul Fiqh-I* (Depag. RI, 1986), 167-183.

<sup>27</sup> Fatchurrahman, 24.

<sup>28</sup> Amir Syarifuddin, 227.

method of Usul Fiqh referred to, inter alia with pay attention to the methods of *al-'Am* and *al-khash*,<sup>29</sup> *muthlaq* and *muqayyad*,<sup>30</sup> and so on.

*Lafaz al-'am* is served on his behalf, as long as no one is special. *Lafaz al-muthlaq* is enforced on its behalf. One example the solution of the hadith, with the approach of the proposed method fiqh, is the following hadith:

“From the Prophet, he said: “On the agricultural produce watered with rainwater, the tithe is ten (10%)”. (HR. Bukhari and Muslim).”<sup>31</sup>

That hadith is obviously against the authentic hadith another is:

“From the Prophet, he says: “Not required for results agriculture (less than five *wusuq*), *shadaqah* (charity)”. (HR. Bukhari and Muslim).”<sup>32</sup>

The two hadiths above, together with regard to the mandatory zakat issue agriculture. The two have are valid and can be used as proof or proposition. But of the two hadiths, it is possible the conclusions reached the opposite is when each one is separate self-understood and first and foremost. The first-day state the obligatory zakat on agricultural produce in general, good results or less (without limitation). However this seems to contradict the second hadith states, is not required charity on the amount of agricultural produce reached five *wasqs*. Vice versa, the conclusions contained that conflict will not happen, in view of the connection between the two hadiths these are 'am and *khash*, and understood according to the method of origin related fiqh is specialized (*takhsis*) to the first hadith with the hadith second. Then the first general hadith, applied to the results agriculture beyond its limits is mentioned in the second hadith (five *wasq* above). Thus, both hadith can be found a compromise, drawing a conclusion: “Outcome the agriculture that the zakat obligates is the maximum of five *wasaq* and above

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<sup>29</sup> Amir Syarifuddin, *Ushul Fiqh* (Jakarta: Kencana Prenada Madia Group, Jilid.II, 2008), 47-88.

<sup>30</sup> Rachmat Syafe'i, *Ilmu Ushul Fiqh* (Bandung: CV.Pustaka Setia, 1998), 212-213.

<sup>31</sup> Muhammad bin Ismail Abu Abdillah al-Bukhary al-Ju'fy (disebut al-Bukhary), *Sahih al-Bukhary*, (Beirut: Dar Ibn Katsir al-Yamamah, Cet.III, Juz.2, 1987), 540. See also, Nazar Bakry, *Fiqh dan Ushul Fiqh*, PT.Raja Grafindo Persada, Jakarta, Cet. IV, 2003,222. See also, Rachmzt Syafe'i, 199.

<sup>32</sup> Rachmzt Syafe'i, 540.

(based on hadith first), while agricultural produce that does not reach five *wasq* does not must be issued zakat ”.<sup>33</sup>

### **b. Resolving by Contextual Approach**

Like al-Qur'an, at where some of the verses come down with a background certain situations or situations (prevalent called because of *nuzul* verse). Then the hadiths Rasulullah PBUH, likewise this is where some of them appear with the background by certain events or situations (called because of *wurud al-hadith*) and in this paper called "context".

As for understanding contextual referred to in this paper, which is understanding the hadith Rasulullah PBUH with pay attention and review its relation to events (the background situation the emergence of these Hadiths), in other words, pay attention and review the context.

One example is the opposite the hadiths about the cannon, there is a hadith that forbids it as well a hadith that is out of date enabling it is:

*“From the Prophet, he said: “Don't let a man ask on his brother's feed”.*  
(H. R. Muslim)<sup>34</sup>

Outwardly this hadith is against the hadith about the Fatimah daughter of Qais, where she was attacked by her husband. After the expiration of his iddah, then he delivered it to the Messenger of Allah PBUH, that he was flown by two best friends (Mu'awiyah and Abu (Jahm), and he said:

*“So the Messenger of Allah (may peace be upon him) said to him: "As for Abu Jahm is a guy who likes to hit his wife, reminding the Mu'awaiyah are poor men who don't have no treasure, then get married to Usamah bin Zaid. Fatima says: “I am lacking happy for him. " Then the Messenger said: "Get married to Usamah, then Fatimah said: "Then*

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<sup>33</sup> Nazar Bakry, 223.

<sup>34</sup> Muslim bin al-Hajjaj Abu al-Husain al-Qusairiy al-Naisaburiy, *Sahih Muslim* (Beirut: Dar al-Ihya, al-Turats al-Arabiy), 1029. See also, Peunoh Daly, *Hukum Perkawinan Islam: Suatu Studi Perbandingan Dalam Kalangan Ahlus-Sunnah dan Negara-Negara Islam* (Jakarta: Bulan Bintang, 1988), 119-120.

*I got married to him, God blesses our marriage and mine happy*". (HR. Muslim)<sup>35</sup>

In the first hadith of the Prophet PBUH, forbidding to ask someone who has been asked by other people. But it seems contrary to the hadith second, where the Prophet asks the Fatimah daughter of Qais to Usamah bin Zaid, and earlier (Fatima) was requested by Mu'awiyah and Abu Jahm.

According to al-Shafi'i both hadiths above, do not contradict one another, because of the first hadith basically contains meaning separate and applicable to certain situations and conditions, not in other situations and conditions.<sup>36</sup> While Fatima is the daughter of a Qais in the Messenger of Allah, for Usamah as in the second hadith, not in that situation and condition is meant by the first hadith. In other words, both hadith it has a context different situations and conditions.

Al-Syafi'i says, hadith the first may be the answer Allah's Messenger on the question friends, but the historian didn't hear that question, so that history is conveyed it is incomplete and does not load a question that is behind it. Further al-Shafi'i explains, that the reason is Allah's Messenger, asked about someone is looking for a woman, and a bride she was accepted by that woman to continue to the ladder marriage. Then, come again to borrow from other men more interesting than his heart with the first man, finally, he turned and left first male feeding. Then this hadith says: "Prohibition is looking for a woman who is already accepting a spouse or other male (first impression)."<sup>37</sup>

While the second hadith, according to al-Syafi'i when viewed from its context, there are two important things you need to do note: First, Fatima was served by Mu'awiyah and Abu Jahm, Well, it turns out that the Prophet did not dispute it and did not advise Fatima that no it is possible for someone to ask himself, to the first runner left his meal, then he fatigued it Fatimah with Usamah bin Zaid. This situation shows that Fatima actually didn't receive it get one of the two. If Fatimah has received a loan from one of them between the two men, of

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<sup>35</sup> Muslim bin al-Hajjaj Abu al-Husain al-Qusairiy al-Naisaburiy, *Sahih Muslim*, 1114.

<sup>36</sup> Al-Syafi'i, *al-Umm*, 656.

<sup>37</sup> Al-Syafi'i, *al-Risalah*, 308-309.

course, The Messenger of Allah sent Fatima to carry on his marriage from a man who accepted his meal. Second, on the Fatimah was taken by the Messenger of Allah PBUH for Usamah, increasingly rest assured that the situation Fatima at that time was not the same with the circumstances in question the first hadith, which is no longer divulative other men to ask for it.<sup>38</sup>

Based on the description above, it can be understood that each the hadith has a different context, and look a conflict between the two by itself, but it's not there is a fight in the sense actual. Because when attention to the context of each the hadith, then both can be compromised, that is: "Prohibition of looking up the handling of others, when male pastures have been accepted by that girl is applied. On the contrary when the feed is not accepted (not yet accepted), then it is possible to the woman, according to the purpose understood from the second hadith."

### c. Resolving by Correlative Approach

Correlative understanding what is meant here is reviewing mukhtalif Hadiths together with other related hadith, by paying attention to the relationship the meaning of each other, so that the intended purpose of hadiths it can be understood well. Therefore, seeming opposition can compromise was found. For example the hadith from Uqbah bin Amir RA, he said:

*"Three-time prohibited Rasulullah PBUH for to pray at times These, namely: When published the sun rises (roughly one arrow), when the upright sun in the sky (midday right), and when the sun is leaning or go down ". (Narrated by Bukhari).<sup>39</sup>*

This hadith is outrageous looks opposite to other hadith, as the word of the word Allah's Messenger (may peace be upon him) said: *"Whoever forgets prayer, then let him do it to remember."* (HR. Bukhari and Muslim).<sup>40</sup> So is the word The

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<sup>38</sup> Al-Syafi'i, al-Risalah, 311.

<sup>39</sup> Al-Bukhari, 211. See Muhammad Ibrahim Al-Hifnawi, *Fiqih Shalat: Bimbingan Menuju Shalat yang Sempurna* (Jakarta: Akademika Pressindo, 2002), 36-37.

<sup>40</sup> Nazar Bakry, 241.

Messenger of God: *“Hi my Children Manaf! Don't forbid it someone performs laughter and prayers in this House at any time, day and night.”* (HR. Turmuzi).<sup>41</sup>

In the first hadith, the Prophet forbidding to pray on a specific time, which is after prayer Ashar to sunset and after the morning prayer to the eyes the heart rises. While in the hadith the last two, the Messenger of Allah saying that it can be for someone to perform the only prayer, and including the two-time limits mentioned in the first hadith.

First, intended enactment in general, meaning all prayers are performed on the time mentioned by the hadith. Second, intended to special enactment, it means only certain prayers that can't be done with these times. Besides that, there are obligatory prayers that must be implemented in due course and there are also sunnah prayers that are not can be done. To know which ones you mean addressed by the hadith between the two that possibility then must note information or guidance from Rasulullah PBUH. Therefore, in this case, there are instructions from Rasulullah PBUH who said: *“Who has time do one-morning prayer before the sun rises, then it is said to have prayed at dawn perfectly) in time. And who can do one recite the prayer of prayer before the sun submerged, then he had a gap already to do that Ashar prayer (at all).”* (HR.Muttaqun‘ Alaih)<sup>42</sup>

From the hadith, it is possible to understand, when one is just got one-morning prayer or the prayer of 'love within range time, while *rakaat* work on the outside time. So, in my opinion, the truth is, everything is prayer in time (*adzan*).<sup>43</sup>

The 'Ashar' time is of two kinds: Free and available opportunity to choose, and time in an emergency. Inside adverse conditions, when one gets one hug from the prayer of 'before the sun' submerged, then he got it the prayers are absolutely blissful. However, when circumstances permit us to do the 'far-away' prayer before sunset, then one cannot end it up to that deadline. Another especially when the situation is not possible, like a woman just holy from menstruation, new

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<sup>41</sup> Al-Syafi'i, *al-Um, Op,cit*, 615. Muhammad Ibrahim Al-Hifnawi, 38-39.

<sup>42</sup> Al-Syafi'i, *al-Risalah*, 320-323.

<sup>43</sup> Muhammad Ibrahim Al-Hifnawi, *Fiqih Shalat: Bimbingan Menuju Shalat Yang Sempurna*, Terjemahan Dedi Junaidi, (Jakarta: Akademika Presindo, Cet.II, 2002), 25-26.



people cured of insanity, that person just woke up from sleep and people newly remembered after forgetting, then when you get one *rakaat* from the prayer of 'worship before the eyes sunset, meaning it has got the absolute prayer of prayer.<sup>44</sup> This opinion is held by Jumhur Scholars, like Maliki, Al-Syafi'i, and Ahmad. By this, it is understandable and be a hint that the ban prayer at times is mentioned in the hadith, is meant to be enforced specifically, it's for prayer prophetic rather than obligatory prayer.

To find out (what prohibition meant by the hadith of all the prophetic prayers or only certain prophetic prayers), they should see the correlation with another hadith. Such a hadith narrated by Umm Salamah, that the Prophet (PBUH) did prophetic prayer two *rak'ah* after Ashar prayer, instead of reciting the prophetic prayer of the two remaining *rakaat* (sunnah) muzzle) that he used to do after the ancient prayer. Next to that, the Messenger of Allah (may peace be upon him) allowed Qais also perform prophetic prayers at dawn he couldn't do it, after the morning prayer.<sup>45</sup> Muhammad Ibrahim Al-Hifnawi explained prayer that was taken on these times are prayers have no reason (prophetic absolute), or the reason that came later like a prayer *istikhara* and prayers two days before *safar* (before traveling). Praying (Shalat) like this, you can't be done at times like that. As for the prayer have a reason, like a prayer left behind, eclipse prayers (daylight or moon), *istisqa* prayer '(request rain), prayer of ablution, 'prayer at the mosque, bow down and bow in gratitude. All those prayers, not banned from doing so at the time of the incident.<sup>46</sup>

Thus, it is possible to understand that not everything Prophetic prayer is forbidden do it after the 'salty prayer or after the dawn prayer. But the prophetic prayer is two *rak'ahs* after the prayer of the novice be done in time, can be done after the 'salacious' prayer. So is the prophetic prayer, can be done after prayer dawn; when it doesn't work before the dawn prayer. For known, both prophetic prayers that are (the prophetic covenant). Therefore, that prophetic prayer it is

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<sup>44</sup> Abdur Rachim dan Fathony, Syari'at Islam: Tafsir Ayat-Ayat Ibadah, (Jakarta: Rajawali Pers, 1987), 98-99.

<sup>45</sup> Sulaiman bin al-Asy'ats Abu Daud al-Sijistaniy al-Azdiy (Beirut: Sunan Abu Daud, Dar al-Fikr, Jilid.II), 22.

<sup>46</sup> Muhammad Ibrahim Al-Hifnawi, 38-39

only prayer (prophetic) *ghairu mu'akkad*). In other words, it can be taken from the act The Prophet said that the ban generally not required. I will but what we want is specified restrictions against all *non-qadha* prayers. Therefore, it is possible to pray prayers after the 'salacious prayer. At also believe in the *qadha* every previous prayer has been there is a reason, like a prayer mosque, mosque prayer ablution” and more.

#### **d. Resolving by *Takwil***

In the language of preaching contains the meaning of At-Interpretation (explanation or description) or *al-Marja'*, *al-Mashir* (return or return place). In the meantime terms, al-Ghazali explains, *takwil* is an expression about the taking of meaning from the poem is a probability supported by propose and make a stronger meaning of the meaning conveyed by the poem *zahir*.<sup>47</sup> So the preaching is turning away the utterance of the meaning born into another possible meaning reached by arguments.

As for the solution imaginative hadiths, by the way, The preaching here is awesome the hadith of its external meaning seems contrary to meaning other because of the proposition, so the apparent contradiction is possible a compromise was found. For example, the hadith is time-consuming afdal offered the morning prayer: “The Messenger of Allah (may peace be upon him) said: “Pray at dawn prayer on time the dawn has begun to shine since it was over at that time great merit.”<sup>48</sup>

This hadith is outwardly it is understood that the time is right to perform the morning prayers is the time of *al-isfar*, that is the dawn has begun to shine because at that time his reward was Larger. However, it does appear contrary to the hadith of Aisha, she said: "They are (believing women) usually perform the morning prayer together Allah's Messenger, then they go home while you cover yourself

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<sup>47</sup> Abu Hamid al-Ghazali, *Al-Mushthafa fi Ilm al-Ushul* (Beirut: Dar al-Kutub al-Ilmiyah, 1973), 128. See also Rachmat Syafe'i, *Ilmu Ushul Fiqih* (Bandung CV. Pustaka Setia, 1998), 170-171.

<sup>48</sup> Al-Syafi'i, *al-Risalah*, 282.

with the cloth they used. No one can recognize because the atmosphere is still dark.”<sup>49</sup>

The words from this Aisha give hint that the Messenger of Allah perform the prayer of the congregation at dawn still dark (at the beginning of time), and mean at this time it is more *afdal* time to perform the prayer at dawn. Al-Shafi'i in compromise the opposite of the hadiths above, represents the hadith that says (prayer time is at dawn on time *al-isfar*), saying that when The Messenger of Allah (PBUH) encouraged people to synchronize performing the morning prayer with explains its priorities, and could be among those high spirits (perform dawn prayer at the end at night, before the time comes dawn). Then in relation to this is what the Prophet said in the above hadith. Because of that, the real intention or purpose of the words of the Prophet The PBUH, namely: "Fajr prayer you at dawn displaying the transverse light in the sky ", as a sign of starting entry of the dawn prayer time.<sup>50</sup> So in this case, al-Shafi'i pronounces the word (*al-isfar*) which the original meaning of the dawn time is it is already light approaching the sun rises and becomes the beginning of time dawn which is marked with the dawn of the visible light stretching in the sky. With this conquest (*takwil*), the contradiction appears between the Hadiths above can be resolved (found compromise).

## 2. Resolving by Nasakh Form

The word "*nasakh*" comes from the language Arabic, the root word (na sa ha), the definitive form of this word is: (*nasakha-yansakhu-naskhan*), by language means yes (deletion or cancellation).<sup>51</sup> Word sentence used in the Qur'an 4 (four) times,<sup>52</sup> is (QS.al-Baqarah: 106, QS.al-Haj: 52, QS.al-Jaasiyyah: 29 and QS.al-'Araf: 154).

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<sup>49</sup> Al-Syafi'i, *al-Risalah*, 283

<sup>50</sup> Al-Syafi'i, *al-Risalah*, 283-284.

<sup>51</sup> Ibn Mansur Jalaluddin Muhammad, *Lisan al-'Arab* (Dar al-Misriyyah, Juz.IV, tt), 28. See also Rachmat Syafe'i, 231.

<sup>52</sup> Muhammad Fu'ad Abd Baqi', *Mu'jam al-Mufarras li Alfaz al-Qur'an* (Indonesia: Maktabah Dahlan, tt), 870.

While in the term, Ushul expert Fiqh defines the text as: “Removal of Shari'a” of a law Shari'at, with one Shari'a proposition coming up then ”.<sup>53</sup> It means a law that happened before, then is declared invalid by Syari ' (Allah and His Messenger), that is with bringing the new Syar'iy proposition that brings other provisions of the law than ever before. The old law no longer applies called *mansukh*, while the new law came later called *nasikh*.

Imam al-Shafi'i in his book *Al-Risalah* explains, *nasakh* is left a valid order on time, and leaving it is a must.<sup>54</sup>

From the above definition, scholars *ushul fiqh* submitted that the new script is considered true when it has met the following criteria: a). The cancellation was done through the guidance of Shari'ah 'containing the law of Allah and the Messenger of Allah. b). What is revoked is the law of Shari'ah and is called *mansukh*. c). Law that invalidates the law earlier, came later. That is the law of Islamic law 'is overruled used to come from that law cancel. Therefore, that law related to the conditions and the stylistic (exceptions) are not is called *nasakh*.<sup>55</sup>

The problem of the verse is in verse the Qur'an and also the hadiths Prophet PBUH. *Nasakh* on the hadith, can is applied to the superstitious hadiths and contrary to nature as well on the meaning it contains. Or, in other words, the hadiths completely contrary, and no can be solved in a way compromise. Then more hadith came before, was ordained by the hadith came later.

Science is talking about the hadith that came later, as a removal of the provisions contrary to law the content of the hadith comes over in the past, called the science of the Holy Prophet *Mansukh*. The Muhadditsin gave the full definition of knowledge is “Science that deals with each other's Hadiths contrary to the meaning that is not may be compromised, in terms the law that exists in part, because he was a prophet (exterminator) to the law at others, because he was

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<sup>53</sup> Muhammad Abu Zahrah, *Ushul Fiqh* (Dar al-Fikr al- 'Arabi, 1958), 185, See also, Mukhtar Yahya & Fatchurrahman, 22.

<sup>54</sup> Al-Syafi'i, *al-Risalah*, 122.

<sup>55</sup> Nazar Bakry, 257.

*mansukh* (deleted). Therefore, the preceding hadith is the last *mansukh* and hadith as a prophet."<sup>56</sup>

Scholars who enable it a draft, set forth some conditions in the designation of the text, namely: First, that which is translated is the law of the law, which is the law of nature, not the law of *'aqli* and not that with regard to 'beliefs. Second, propose that indicates the end of the term that old law, came by separate and later from the proposition. The power of both arguments is the same, and it's not possible to compromise. Third, propose from the law that is not shown the law goes on forever, due to regular treatment and going on, closing the possibilities cancellation of the law time.<sup>57</sup> Whether it is a road or a way to find out the existence of sanctions such a hadith, among others: a). By explanation from nash or from *Shari'* myself, in this case, an explanation directly from the Messenger of Allah. b). With the explanation of the friend. c). Knowing the exit hadith. For example, the explanation of Syari ' himself, the Prophet said: *"I used to forbids you to visit the mosque, then go now"*. (HR. Muslim)

A ban on visiting the grave has been made the nash with the nash found in the eye of the hadith itself, that is the sentence "Fazuruha". The same goes through belief, that a narrator proclaimed a message from the Prophet, then the other narrator represents it also from different Prophets with that. Then find out, the narrator first died before entering Islam is the second predator. By it can be said, that the second Hadith of the hadith is later from a hadith study first. For example, the hadith of the Prophet (PBUH), about not canceling ablution 'because penetrating penis (genital) according to the history of Thalaq ibn Ali: *"No need for ablution" for touching the penis.*" Whereas Abu Hurairah, recite the hadith about canceling the ablution 'for touching the penis: *"Required ablution" for touching the penis*". So the hadith is narrated by Abu Hurairah came later, because of Abu Hurairah himself converted to Islam after the death of Thalaq ibn Ali (four years before the death of the Prophet (PBUH).

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<sup>56</sup> Fatchurrahman, 291.

<sup>57</sup> Amir Syarifuddin, 251.

As for the wisdom of existence is to preserve happiness humanity, both in the world and in the hereafter. That human cruelty sometimes changes, because circumstances and conditions change. Law it's set to realize the benefit, based on it for some reason. Whenever possible it no longer exists, then there is no need for that law.

### 3. Resolving by *Tarjih* Form

Mukhtalif hadiths, if not possible to be compromised with in any way, impossible anyway treated *takhsis* provisions, no also found a way to enact a script. However, it is possible to find clues to strengthen one of them both, then the proposition is used to have instructions that reinforce it. The method is called *tarjih*.

Etymology is the essence of meaning "Strengthen". The arguments are strengthened called a *rajih*, and a proposition weakened is called Melech. In a sense, styling is the expression about at the heart of one of the two arguments the speed that shows what you want, besides both collisions that are obligatory for practicing one of them and leaving the other one behind.

Word (one of two propositions which are appropriate), meaning that if two propositions that or one of the two propositions is not deserved to be an argument, then who this is not called *tarjih*. While the word (besides both clashed), implies although both of them are the propositions proper, but not clash, no called *tarjih*. Because of that *tarjih* it takes time to face two propositions of the clash and does not need to be chosen if there is no clash.

From the definition above, it can be known the essence of *tarjih* and at the same time is the requirements for *tarjih*, namely: (1) The two arguments clash and there is no possibility of practicing both with anyway. Thus, there is no point in the two arguments *qath'i* because of two *qath'i* arguments, there's no way to clash; (2) The two arguments are conflicting is equally fast for giving directions to the

intended; (3) There is a clue that you should practice with one in between two arguments, and omits the arguments the other one.<sup>58</sup>

The law adopts a rude proposition is mandatory, while practicing the arguments are falling apart, in addition to their existence *rajih* are not allowed.

While the way to *marjih* two the seemingly contradictory proposition, can be viewed in several terms or majors, namely:

1. Sanad (*i'tibar*'s-*sanad*), for example: a) The hadith that came to many, promotes the hadith to come a little; b) The hadith narrated by the great companion's heart, magnifying hadith narrated by a small bow; c) The hadith that comes is more *tsiqah*, promotes the hadith to come lack of understanding.
2. The master's degree (recently), for example, The hadith has meaning, in fact, it promotes the hadith has the meaning of *majazi*; b) Hadith had hints of meaning in two respects, promotes the only hadith has a clue in one sense.
3. Department of appointment results (*madlul*). For example, Positive *madlul* the negative (precedence *mutsbit 'Alan-nafi*).
4. External studies (*al-umuru'lkharijah*), For example, the *qauliyah* arguments, exacerbate the arguments the *fi'liyah*.<sup>59</sup>

For example, the Hadith describes marriage Rasulullah PBUH with Maimunah, as narrated by Ibn Abbas RA: "*That the Messenger of Allah married Haris the daughter of Haris, during her purchase is running ihram.*" The hadith was inspired by the narrated hadith by Abi Rafi 'who said: "*That The Messenger of Allah (may peace be upon him) married the Maimunah binti Haris, by the time he was gone*".<sup>60</sup> Abi Rafi's Hadith 'is more poetic than on Ibn 'Abbas' hadith, for Abi Rafi 'himself, went with The Messenger of Allah and Maimunah at that time, then, of course, he knew better about the event from Ibn Abbas RA. who didn't go

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<sup>58</sup> Nazar Bakry, 262.

<sup>59</sup> Fatchurrahman, 132-133. See also, Rachmat Syafe'i, 243-249.

<sup>60</sup> Fatchurrahman, 132. See also, Muhammad bin Isma'il Ash-Shan'any, *Sabulus-Salam* (Mesir: Maktabah Tijariyah Kubra, Juz.II, tt), 192.

with the Messenger of Allah. Additionally, most of the friends recount like Abi Rafdi's hadith.

Next, the 'Aish and Umm' hadith The salutation of the priest by the priest Bukhari and Muslim, who said: *“That Prophet Muhammad PBUH on one in the morning because of sex, then he takes a shower and keeps fasting.”*(HR.Now Muslim). This hadith is the opposite, with a hadith that is endangered by Imam Ahmad and Ibn Hibban of Abu Hurairah RA that said: *“Allah's Messenger (may peace be upon him) said: When called for prayer at dawn and one of you is sinking, then he should not fast during the day.”* (HR. Ahmad and Ibn Hibban).<sup>61</sup> Thus the 'Aisha and Umm Salmah' hadith consecrated by Imam Bukhari and Muslim, while Abu Hurairah hadith it was consecrated by Imam Ahmad and Ibn Hibban. Because of that, it fits the conditions that are considered to be monetary the Bukhari and Muslim hadiths (preceding the hadith is deduced by Bukhari and Muslim than that endangered by others).

### Conclusion

Based on the discussion above, it can be concluded that the Hadiths of the Prophet PBUH, agreed to meet the criteria as *maqbul* hadith (*Sahih* and *Hasan*) are required practice. Looks so outwardly visible opposing one another, it must be practiced because of that agreement the Hadiths are *maqbul* and impossible full consideration. Because Rasulullah PBUH will not teach his people for direction or law which against. It is a contention that looks only outwardly, however in principle, can be agreed with ways that have been arranged or formulated the hadith scholars besides *usuli* scholars, that is by way of compromise (sometimes with *takhshish*-common hadith and to *taqyid*-right mukhtalaf al-hadith), by the way, *nasakh* and *tarjih*. Mean intent or the law contained in the hadith can answer properly and correctly.

For someone who wants to pick the law of the proposition (hadith), let it has deep knowledge, strong understanding, knowing generality and specificity and get to know will be absolute and *muqayadan*. He it is not enough to memorize the hadith, its *sanad*, and their compliance, without knowing the provisions correctly.

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<sup>61</sup> Mukhtar Yahya & Fatchurrahman, 474.





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