

THE CONCEPT OF MUTAKALLIMIN IN THE INTERPRETATION OF DILALAH AL-LAFA AND ITS IMPLICATIONS IN IKHTILAF FIKH

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Abstract: This research is related to the concept or method of the scholars' *mutakallimin* through the study of *manṭūq* (expressed) and *mafhūm* (implied) by which the technique of interpreting and to interpret the existing of divine revelation texts with a study called *dilālah al-lafāz* and its implications on *ikhtilāf fiqh*. Understanding of a text of the Koran and the hadiths of the Prophet. sometimes based on the sound of words that are *manq* both explicitly and containing other possible meanings, and sometimes based on understanding the meaning of *mafhūm*. This type of research refers to qualitative research in the form of library research. So that this research has benefits and in-depth goals which will later provide a concept of understanding related to the concept of *mutakallimīn* in interpreting the existing arguments and what their implications are for *masā'il khilāfiyah*. The results show that the concept of *mutakallimīn* in interpreting the propositions in the text is based on a logical, theoretical approach that is strengthened by evidence and among them are scholars of the Shafi'i, Maliki, Hanbali schools and kalam scholars from Mu'tazilah and Asya'irah.

Keywords: *Mutakallimin; Dilālah Al-Lafāz; Fikih Ikhtilāf*

INTRODUCTION

In the past and in this modern era, there are many things that must be resolved, especially in the era we live in now, with the rapidly changing times that are increasingly changing regarding contemporary fiqh laws that must be answered, so that a jurist is required to answer contemporary issues that are before him. Islam is the religion that Allah chose and made the Prophet Muhammad as the last Prophet, has made the Koran and the Sunnah of Muhammad saw as a guide for his people where Allah swt. said in the QS al-Baqarah/2: 2.

﴿ ذَلِكَ الْكِتَابُ لَا رَيْبَ فِيهِ هُدًى لِّلْمُتَّقِينَ ۝ ٢ ﴾

*KONSEP MUTAKALLIMĪN DALAM INTERPRETASI DILĀLAH AL-LAFAẒ
SERTA IMPLIKASINYA PADA FIKIH IKHTILĀF*

Its Translation:

This Book (Qur'an) has no doubt in it; (it is) a guide for those who are pious.
Allah swt also confirms in QS al-Najam/53: 3-4.

﴿ وَمَا يَنْطِقُ عَنِ الْهَوَىٰ ۚ ۓ إِنْ هُوَ إِلَّا وَحْيٌ يُوحَىٰ ۚ ۓ ﴾

Its translation:

3. And it is not (Muhammad) that is spoken (al-Qur'an) according to his desires.
4. His words are nothing but revelations revealed to him.¹

In the Hadith of the Prophet, Rasulullah saw. Said :

عن مَالِكٍ أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: تَرَكْتُ فِيكُمْ أَمْرَيْنِ لَنْ تَضِلُّوا مَا تَمَسَّكْتُمَا بِهِمَا: كِتَابَ اللَّهِ وَسُنَّةَ نَبِيِّهِ²

The meaning is:

From Malik that it has come to him that the Messenger of Allah Said : “ I have left you two things which if you hold fast to them you will not go astray, namely we are Allah (the Qur'an) and The Sunnah of his prophet” (HR. Imam Malik)³

In the verse and hadith above it shows that the Qur'an and the Sunnah. is the most important part in solving the problems that occur, because these two sources are the arguments and the basis for establishing a law, then one of the sciences that can solve contemporary problems and issues is the science of fiqh.

The science of *usul fiqh* is a collection of rules that aim as a tool to establish a law through existing arguments relating to Islamic law. People who study it have the ability to issue and establish sharia law through the right rules, a person is not said to be a *fakih* so he studies the science of *usul fiqh*, then the science of *fiqh* must stand on the science of *usul fiqh*. This knowledge is also used as a mean to find out God's law in contemporary problems, so people who are involved in the world of *fiqh* have a real proof for all the problems they do and are in a position and condition that is safe from worshipping Allah swt. People who study the science of *usul fiqh* make them understand the basics of postulating and arguing with which later when

¹Kementrian Agama RI, *al-Quran dan Terjemahnya*, h. 871.

²Mālik ibn Anas, *al-Muwatho*, Juz 5, (Cet. I; Abū Dabī: Zaid ibni Sulṭān, 2004),h. 1322.

³Terjemah Penulis

conveying a law in front of the public they tend to be more tolerant so that the atmosphere goes well.

In the course of the development of the science of fiqh, it was marked by the events of the Prophet Muhammad. to the noble friend Mu'āz Ibn Jabal who was sent to the land of Yemen at that time, in a hadith that is quite popular :

عَنْ مُعَاذٍ رَضِيَ اللَّهُ عَنْهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَمَّا أَرَادَ أَنْ يَبْعَثَ مُعَاذًا إِلَى الْيَمَنِ قَالَ: «كَيْفَ تَقْضِي إِذَا عَرَضَ لَكَ قَضَاءٌ؟»، قَالَ: أَقْضِي بِكِتَابِ اللَّهِ، قَالَ: «فَإِنْ لَمْ تَجِدْ فِي كِتَابِ اللَّهِ؟»، قَالَ: فَبِسُنَّةِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: «فَإِنْ لَمْ تَجِدْ فِي سُنَّةِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَلَا فِي كِتَابِ اللَّهِ؟» قَالَ: أَجْتَهُدُ رَأْيِي، وَلَا أَلُو فَضْرَبَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ صَدْرَهُ، وَقَالَ: «الْحَمْدُ لِلَّهِ الَّذِي وَفَّقَ رَسُولَ اللَّهِ لِمَا يُرْضِي رَسُولَ اللَّهِ»⁴

Its Meaning is :

From Mu'āz bin Jabal r.a Rasulullah saw. When he was about to send Mu'āz bin Jabal to Yemen he said, "How do you make a decision when a court is brought before you?" Mu'āz replied, "I will decide to use the book of Allah," He said, "if you do not find it in the book of Allah?" Mu'āz replied, "I will return to the sunnah of the Messenger of Allah. He said again, "If you do not find in the sunnah of the Messenger of Allah. and in the book of Allah?" Mu'āz replied that I will ijtihad using my opinion, and I will not reduce it." Then the Messenger of Allah patted his chest and said, "Praise be to Allah who has guided the Messenger of Allah to do what makes the Messenger of Allah happy.(HR. Abu Daud) 5

In the hadith above, the origin of the science of fiqh proposal actually existed during the prophetic period until the codification process. The science of Islamic jurisprudence in its development will certainly lead to many interpretations in interpreting the existing texts and narrations as the well-known story of the Asr prayer event in Bani Qurai'ah, the companions have interpreted the existing text or narration, namely the words of the Prophet Muhammad.

⁴Abū Dāwūd Sulaimān ibni Asy'as, *Sunan Abī Dāwūd*, Juz 3 (Bairut: Maktabah al-Syriah, t.th.), h. 303.

⁵Terjemah Penulis.

*KONSEP MUTAKALLIMĪN DALAM INTERPRETASI DILĀLAH AL-LAFAẒ
SERTA IMPLIKASINYA PADA FIKIH IKHTILĀF*

عَنْ ابْنِ عُمَرَ قَالَ: قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَا يُصَلِّيَنَّ أَحَدٌ الْعَصْرَ إِلَّا فِي بَنِي قُرَيْظَةَ⁶

The Meaning is :

From Ibn Umar he said, The Prophet said: "No one should pray Asr unless he has arrived at the village of Banu Qurai'ah." (HR. Bukhari)⁷

When the Companions found that the time for Ashr prayer had entered when they were in the middle of the road, then some of the Companions said, "We do not offer prayers unless we have arrived in the village of Banu Qurai'ah. As for others, they stick to the understanding and arguments they understand from the narration of the Prophet Muhammad. that the Prophet did not intend to order his companions to postpone the Ashr prayer.

Based on the explanation above, understanding the existing text is not easy and as simple as one thinks because understanding it requires existing tools and knowledge, one of which is Arabic language knowledge because the Qur'an and the Sunnah of the Prophet, the text or narration is built from Arabic knowledge, as the word of Allah swt. QS Yunuf /12: 2.

﴿ إِنَّا أَنْزَلْنَاهُ قُرْآنًا عَرَبِيًّا لَعَلَّكُمْ تَعْقِلُونَ ٢ ﴾

Its translation is :

1. Indeed, we have sent it down (the Holy Book) in the form of an Arabic Qur'an so that you may understand.⁸

Related to that, the existing text contains *dilālah*. Talking about *dilālah*, one will find the location and basis for the differences that occur among scholars. Therefore, in interpreting the existing texts, the mujtahid scholars are divided into several well-known camps as well as the style and method of conducting studies and laying the *Iṣṭibāṭ* framework in the science of fiqh proposals, the first camp is the Syafi madrasa or more popularly known as the *Mutakallimīn* madrasa. in which there are also a number of *Malikiyah* and Hanabilah scholars and the second is the *Hanafiyyah* madrasah.

⁶Muḥammad ibni Ismā'īl al-Bukhārī, *al-Jāmi' al-Musnad al-Ṣaḥīḥ*, Juz 2, (Cet. I; Damasqus: Dār Ṭūqu al-Najāḥ, t.th.), h. 15.

⁷Terjemah Penulis.

⁸Kementrian Agama RI, *Al-Quran dan Terjemahnya*, h. 348.

In the discussion of the science of fiqh, the focal point of the discussion lies in the scope of law, judges (lawmakers), legal sources, *maḥkūm fih* (legal objects), and *maḥkūm 'alaihi* (legal subjects).⁹ of the five discussions above will give birth to a more detailed discussion of the science of fiqh itself, so that in its study it will lead to discussions among mujtahid scholars about the methods and methods of interpreting texts or existing arguments.

The simplification of the science of fiqh lies in how to formulate legal provisions that are compatible with the reality of society. To be able to arrive at the goal to be achieved, a science makes several assumptions and assumptions about empirical objects. This assumption is necessary because it can provide direction and basis for research and study activities. A new knowledge can be considered scientifically correct when we can accept the assumptions put forward by the various stages and procedures that are passed. All scientific theories have these assumptions, including the science of fiqh proposals, whether stated explicitly (*manṭūq*) or implied (*mafḥūm*).¹⁰

Understanding of a text of the Qur'an and the hadiths of the Prophet, sometimes based on the sound of words that are *manḥūq* both explicitly and containing other possible meanings, and sometimes based on understanding the meaning of *mafḥūm*. This understanding of the Koranic text is what among scholars is commonly referred to as *manṭḥūq* (expressed) and *mafḥūm* (implied).

This study of *manṭūq* and *mafḥūm* is very important, especially in the study of Mutakallimin's scholars, because these two things will detail the various contents of the meaning of the verses of the Qur'an and the traditions of the Prophet. which can be known from the pronunciation of *manṭūq* and his *mafḥūm*

The process of establishing a law is not as simple as one thinks, because it requires a lot of knowledge of tools to be mastered, understood and memorized then mixed into a single unit which will produce a solution and law. A person who will establish a law first understands the context and narrative of the problem or question that exists and then looks for the arguments for the problem he is facing as a well-known expression.

⁹Mamam Suherman, "Aliran Usul Fikih dan Maqashid Syari'ah", *al-Maṣlaḥah Jurnal Hukum Dan Pranata Sosial Islam* 2, no. 4 (2017): h. 353.

¹⁰Abu Yasid, *Logika Ushul Fiqh* (Cet I; Yogyakarta : Ircisod, 2019), h.10.

*KONSEP MUTAKALLIMĪN DALAM INTERPRETASI DILĀLAH AL-LAFAẒ
SERTA IMPLIKASINYA PADA FIKIH IKHTILĀF*

الحُكْمُ عَلَى شَيْءٍ فَرَعٌ عَنْ تَصَوُّرِهِ¹¹

Its translation is :

Judging something is part of the extent to which understanding the picture (problem) is.¹²

In relation to the title, the author focuses on the analysis or discussion related to the concept or method of the *Mutakallimn* scholars through the study of *manṭūq* and *mafhūm* interpreting and interpreting the existing divine revelation texts with a study called *dilālah al-lafāẓ* and its implications on *ikhtilāf* fiqh.

MUTAKALLIMN CONCEPT IN BUILDING LEGAL CRITERIA

Mutakallimn scholars in constructing legal concepts cannot be separated from the role of logic, logic is a study that can lead a person to evaluate a correct argument. The main purpose of this logic is to study the methods and principles used to distinguish straight reasoning and illogical reasoning. Logic is solely concerned with the logical importance or consequential relationship that exists between the conclusions and their premises. So, logic is related to thinking activities, but not just thinking as human nature is, but thinking straight, namely discussing the way of thinking on the basis of standards or laws of thought so as to avoid people from mistakes and misguided thinking. Therefore, logic is also referred to as science, because logic is a collection of knowledge that is systematically arranged based on laws and principles that must be obeyed so that people can think correctly, regularly and straightly.¹³

The criteria for Islamic law, apart from having a revelation in the form of the Qur'an and hadith, are also logical arguments which are then called *istidlāl*. *Istidlāl* gets a fairly strategic position because the revelation text itself expresses many problems in general and gives rise to interpretations, this is often found in legal issues related to social society. These various logical arguments are in the form of *qiyās* (kias), *istiḥsān*, *maṣḥlahah mursalah*, 'urf, *iṣṭishhab*, and others. Its explanation as follows:

Qiyas (Kias)

¹¹Abu Aḥmad Muḥammad, *al-Hukum 'alā al-Syai' Far'un 'an Taṣawwurihi* (Cet. XIV; Madinah al-Muwawarah:al-Jāmiatu al-Islāmiyatu bi al-Madīna al- Munawarah, 1981), h. 263.

¹²Terjemah Penulis.

¹³ Johnny Ibrahim, *Teori dan Metodologi Penelitian Hukum Normatif* (Malang: Bayumedia Publishing, 2006), h. 242.

in terms of Fiqh proposal, analogies are usually referred to as figurative terms, namely:

حَمَلُ فَرْعٍ عَلَى أَصْلِ فِي حُكْمٍ بِجَامِعٍ بَيْنَهُمَا¹⁴

Its meaning is:

Equalizing or bringing the fur' (branch) law with the law contained in the text in aṣal (al-Quran or sunnah) which is based on the same illat.¹⁵

Efforts to equalize are done because there are similarities between the two legal illat.¹⁶ The Islamic mujtahid scholars can be said to agree on the figurative validity in determining and concluding a law because the revelation texts had stopped descending after the Prophet saw. died while legal problems in the midst of society continue to exist over time. This cannot be contained explicitly in a very limited number of revelation texts, so the use of figurative arguments is something that must be upheld to resolve legal issues from time to time.

In the true use of figurative language, the revelation text has implied the importance of using figurative arguments in determining the laws that continue to emerge in society. In QS al-Ḥaşar/59:2.

﴿ فَاعْتَبِرُوا يَا أُولِيَ الْأَبْصَارِ ۚ ۲ ﴾

Its translation is :

1. So, take a lesson (from that incident), O people who have eyesight (eyes of the heart).¹⁷

In addition, it is also the sunnah of Rasulullah SAW. when sending the friend Mu'āz bin Jabal to the land of Yemen, and Rasulullah saw. said to him, "If you do not find in the Sunnah of the Messenger of Allah. and in the book of Allah?" Mu'āz replied that I would do ijtihad using my opinion, and I would not reduce it." This incident was also confirmed by the Prophet Muhammad SAW.

In these verses and hadith, it is indicated that when someone faces a legal problem for which there is no text provision in the revealed text, then someone is encouraged

¹⁴Muḥammad al-Amīn al-Syanqīfī, *Muẓakkirah fī al-Uṣūl al-Fiqh* (Kairoh: Dār al-Ḥadīṣ, 2011), h. 231.

¹⁵Terjemah Penulis.

¹⁶Abd al-Wahhāb Khallāf, *ʿIlm Uṣūl al-Fiqh*, (Kuwait: Dār al-Qalam, t.th.), h. 52.

¹⁷Kementrian Agama RI, *al-Quran dan Terjemahnya* (Bandung: Cordoba, 2018), h. 871.

*KONSEP MUTAKALLIMĪN DALAM INTERPRETASI DILĀLAH AL-LAFAẒ
SERTA IMPLIKASINYA PADA FIKIH IKHTILĀF*

to use sound logic, namely figurative language by analogizing it to similar provisions which have the same legal *illat* in the book of Allah and the words of the Messenger of Allah.¹⁸

Istiḥsān

Istiḥsān according to language is a good thought. Whereas in terms it is a process of postulating system carried out by mujtahids from global law to other laws which are *istitsnā'i* (exceptions). This is done on the basis of consideration of arguments that must be prioritized in the form of *istiḥsān* (good perception). There are several legal bases for the use of *istiḥsān*, including the word of Allah swt. in a letter QS al-Zumar/39:18.

﴿ الَّذِينَ يَسْتَمِعُونَ الْقَوْلَ فَيَتَّبِعُونَ أَحْسَنَهُ ۗ أُولَٰئِكَ الَّذِينَ هَدَاهُمُ اللَّهُ وَأُولَٰئِكَ هُمْ أُولُوا الْأَلْبَابِ ۗ ۱۸ ﴾

Translation is:

18.(That is) those who listen to the words and then follow what is best of them. They are the ones who have been guided by Allah and they are the *ululalbab* (those who have common sense).¹⁹

The verse indicates that those who listen to the words and then follow what is best of them are among those who are guided by Allah.SWT. and they are the people who have reason. Also in a hadith Rasulullah SAW. Said :

مَا رَأَهُ الْمُسْلِمُونَ حَسَنًا فَهُوَ عِنْدَ اللَّهِ حَسَنٌ²⁰

Artinya:

What is considered good by muslims, according to Allah, it is also Good.

Istiḥsān with this understanding has actually been practiced by almost all Mujtahid scholars if it is based on *ijtihad* reasoning based on arguments that can be justified academically. It is different if *istiḥsān* is based on lust and is used as an argument without any evidence backing it, whether in the form of the Koran, sunnah, consensus, or figurative language. This is what makes al-Shafi'i reject *Istiḥsān*'s arguments vehemently without any basis and arguments from the Qur'an, sunnah

¹⁸ Abd al-Qādir Syaibatu al-Ḥamd, *Imtanā' al-Uqūl bi Rauḍati al-Uṣūl* (Cet. III; Riyāḍ: Mālik Fahad, 2014), h. 114.

¹⁹Kementrian Agama RI, *al-Quran dan Terjemahnya*, h. 748.

²⁰Aḥmad ibn Muḥammad ibn Ḥanbal, *Musnad al-Imām Aḥmad ibn Ḥanbal*, Juz 3(Cet. I; al-Qāhiraḥ: Dār Ḥadīṣ, 1995), h. 505.

ijmak and kias. As for if it is based on the basis and arguments, then it is not a problem for al-Shafi'i to be used as a proposition.

Maṣhlahah Mursalah

Maṣhlahah mursalah is any benefit for which there is no evidence or suggestion in the text of revelation, whether it is a recommendation to use it or a suggestion to ignore it, but in practice there are indications of bringing benefit and rejecting or preventing harm.²¹ An example is the benefits contained in buying and selling, customs. This kind of benefit has never been mentioned in the text of revelation, either in the form of recommendations or prohibitions on its use. However, because its existence is needed for the benefit of the benefit, the Mujtahid ulama's initiative emerged to make *mahlahah mursalah* an alternative foothold in the legal decision-making system. The Mujtahid scholars can be said to agree that the realm of using this *maṣhlahah mursalah* is only a social issue, not a matter of worship. Because, in matters of worship, a servant in practicing it is only submission and submission to Allah swt. Therefore, the limited sense to look for a common thread of benefit in every practice of worship becomes irrelevant. On the other hand, in the *muamalah* aspect, the benefit becomes very meaningful because of Allah's law. does not come down, except for the benefit of the servant. In this context, the proposition of *maṣhlahah mursalah* finds its momentum to be discussed. However, not all scholars agree on the use of the *maṣhlahah mursalah* argument independently. They are still different regarding their legitimacy independently in legal *iṣṭinbath*. As for if there are other supporting arguments such as *istiḥsān* or *kias*, then there is almost no difference among scholars regarding the importance of using these arguments.

'Urf

In language 'urf is something that can be liked and accepted by the human mind. Whereas in terms, 'urf is a custom or something that has been a tradition so that it can be liked and considered good by common sense and cannot be denied by the soul and feelings of a particular community. The legal basis for the use of the 'urf argument is several revelation texts, including the word of Allah swt.

QS al-A'rāf/7: 199.

﴿ خُذِ الْعَفْوَ وَأْمُرْ بِالْعُرْفِ وَأَعْرِضْ عَنِ الْجَاهِلِينَ ۙ ١٩٩ ﴾

Translation is :

²¹Abd al-'Alī Aḥmad, *al-Madkhal ilā al-Siyāsah al-Syar'iyah* (Riyāḍ: Jāmi'ah al-Imām Muḥammad ibn Sa'ūd al-Islāmiyyah, 1993), h. 149.

*KONSEP MUTAKALLIMĪN DALAM INTERPRETASI DILĀLAH AL-LAFAẒ
SERTA IMPLIKASINYA PADA FIKIH IKHTILĀF*

199. Be forgiving, instruct (people) on the righteous, and turn away from the ignorant.²²

The Word *عُرْف* in the verse means customs.²³ The verse encourages people to be forgiving and do good habits and stay away from stupid people. In addition to the text argument above, Allah swt. as Shari' (Shari'a Maker) makes 'urf as one of the legal bases and footholds. Marriage, for example, is a custom for the genealogical process. Therefore, Shari' then prescribed marriage by providing the legal instruments. also trade which according to custom can lead to the development of the goods needed by mankind to preserve life. Then departing from this custom, Allah swt as Shari'a provides legal guidance on trade, including guidance on transactions that are permissible and those that are forbidden. If only Allah swt ignored 'urf as one of the legal bases, of course, various provisions like the ones mentioned above would not need to be enforced in the community.²⁴ In fact, the neglect of customs will lead to the *tasyri'* process of something that humans are not actually capable of. This is not possible in Islamic law

Istishāb

Istishāb adalah is to apply the old legal provisions while there are no new arguments that can change them.²⁵ or make the new legal event the same as the original law.²⁶ This definition implies that if a legal event is not found, the argument is returned to the original law. Although the use of this argument is still disputed among the Mujtahids, in practice they agree on its use in several legal cases. There is a proof from the Prophet Muhammad. which implies the use of this *istishāb*, namely :

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِذَا وَجَدَ أَحَدُكُمْ فِي بَطْنِهِ شَيْئًا، فَأَشْكَلَ عَلَيْهِ أَخْرَجَ مِنْهُ شَيْءٌ أَمْ لَا، فَلَا يَخْرُجَنَّ مِنَ الْمَسْجِدِ حَتَّى يَسْمَعَ صَوْتًا، أَوْ يَجِدَ رِيحًا»²⁷

Artinya:

²²Kementrian Agama RI, *al-Quran dan Terjemahnya*, h. 255.

²³Majma' al-Lughah al-'Arabiyah, *al-Mu'jam al-Wasīf* (Kairo: Syurūq al-Daulī, 2011), h. 616.

²⁴al-Syāṭibī, *al-Muwāfaqāt fī Uṣūl al-Syarī'ah*, Juz 2 (Mesir: Dār ibn 'Affān, 1421 H), h. 286.

²⁵ Ibn Badran 'Abd al-Qādir, *Nuzhah al-Khāṭir*, Juz 1 (Cet. II; 1984), h. 389.

²⁶Maḥmūd ibn 'Abd Rahmān, *Bayān al-Mukhtaṣar li al-afṣahānī*, Juz 3 (Cet. I; Mekkah: Markaz al-Baḥṣ al-'Ilmī bi Jāmi'ah Ummi al-Qurā, 1986), h.262.

²⁷Muslim bin Ḥajjāj, *Saḥīḥ Muslim* (Bairūt: Ihyā al-Turās, t.th.), h. 276.

From Abu Hurairah r.a. Rasulullah saw. said, "If one of you finds something in his stomach and is unsure whether to have had a habit or not, then do not go out of the mosque until he hears a sound (farts) or smells it." (HR. Muslim)²⁸

Al-Nawawi explains that this hadith indicates the use of the *istiṣhā* argument because the origin of a person is pure and does not have a habit until he emits and gets a smell.²⁹ Here, then several legal rules emerge, such as the law of marriage between husband and wife which is declared to continue as long as there are no other legal provisions that can change it, namely divorce. Another example is the law of accounts payable. Person A, for example, is still declared to have a debt to person B as long as he has not succeeded in paying it off. Therefore, if there is a conflict of debt payments between the two, the original law is that the debt has not been paid, except that A is able to bring proof of payment.³⁰ According to this rule, the origin of the human being is being freed from any burden, except after the *aklif* custom of Shari'a that he must do or leave something. As long as there is no *taklif* from Shari'a, all deeds are legally permissible in humans. Therefore, this rule is also popularly known as *al-barā'ah al ashliyyah* or liberated according to the original law. The absence of arguments in the effort to formulate legal provisions can only be resolved by the *istishab* approach. This is because, by referring to this *istishab* argument, a Mujtahid can return to the original legal formulation to find the legal provisions for the first part of the legal event that is currently happening. Therefore, it is not an exaggeration if the absence of a proof is a proof. This proposition in the form of nothingness is then called *istishab*. Because of this abstract form, the *istishab* argument does not actually stand alone, but refers to revelation messages that express the general question that everything is originally permissible and pure³¹ for example, in the realm of *muamalah*, for example, which has no evidence actually refers to the values of Allah's revelation. which contains the outlines of the rules in this matter. In QS al-Baqarah/2:29. Allah swt. said:

﴿ هُوَ الَّذِي خَلَقَ لَكُمْ مَّا فِي الْأَرْضِ جَمِيعًا ٢٩ ﴾

Its translation is:

²⁸Terjemah Sendiri

²⁹Abū Zakariya al-Nawawī, *al-Minhāj fī Syarḥi Ṣaḥīḥ Muslim ibn al-Ḥajāj* (Cet. II; Bairūt: Ihyā al-Turāts, 1392 H), h. 4.

³⁰Ibrāhīm Muḥammad Maḥmūd al-Ḥarīrī, *al-Madkhali ila al-Qawā'id al-Fiqhiyyah al-Kuliyyah* (‘Ammān:Dār ‘Amar, 1998), h. 78-79.

³¹Abd Rahmān al-Sa’dī, *Taisīr al-Karīm al-Rahmān fī Tafsīr Kalām al-Mannān*, Juz 1 (t.t.: Muassasah al-Risālah, 2000), h. 48.

KONSEP MUTAKALLIMĪN DALAM INTERPRETASI DILĀLAH AL-LAFAẒ SERTA IMPLIKASINYA PADA FIKIH IKHTILĀF

29. It is He (Allah) who created all that is on earth for you less than a hundred times.

THE RESEARCH METODOLOGY

This type of research refers to qualitative research in the form of (library research). So that this research has benefits and in-depth goals which will later provide a concept of understanding related to the concept of *mutakallimīn* in interpreting the existing arguments and how their implications for *masā'il khilāfiyah*

THE RESULT OF DISCUSSION

In the study of *dilālah al-lafāẓ*, one can find out the source of the legal differences that have been witnessed in the midst of society and how to deal with these differences. This paper can provide one solution and knowledge to readers regarding *dilālah al-lafāẓ* and its influence on *masā'il khilafiyah* (problems of difference of opinion in Islamic law).

Before entering into the discussion and concrete examples, especially contemporary legal issues or events, the author will provide an overview regarding the flexibility of Islamic law which will provide readers with knowledge regarding the basis of the flexibility of Islamic law.

The flexibility of Islamic law is the flexibility of Islamic law in dealing with problems that arise in society.³² The development and changing conditions and habits of society require Islamic law to be able to answer and find solutions that occur.

The flexibility of Islamic law when examined more deeply, more related to this worldly problem can be found in the existing literature that the companions and generations after them, made many regulations that were never carried out by the Prophet Muhammad. such as making offices, making territorial boundaries, collecting the Koran and so on, all of which contain benefits. In the rules of fiqh it is said:

إِنَّ الْفُتُوَى تَتَغَيَّرُ بِتَغْيِيرِ الزَّمَانِ وَالْمَكَانِ وَالْعَوَائِدِ وَالْأَحْوَالِ³³

³²Rossa Ilma Silfiah, "Fleksibilitas Hukum Islam di Masa Pandemi Covid-19" *Suloh Jurnal Program Studi Magister Hukum*, Edisi Khusus, (Oktober 2020): h. 79.

³³Muhammad Ibn Abī Bakr Ibn Ayyūb ibn Sa'ad Syamsu al-Dīn Ibn Qayyim al-Jauziyah, *I'lām al-Muwaqī'in 'an Rabbi al-'Ālamīn*, Juz 4 (Cet. I; Bairūt: Dār al-Kutub al-'Ilmiyyah, 1991), h.157.

Its meaning is:

Changes in fatwa due to changes in time, place, circumstances, and habits.³⁴

The above rule implies that what must be considered from the fatwa are the factors of changing the law itself, including changes in times, places, circumstances, and habits. This shows that Islamic law is actually flexible in dealing with various conditions and problems that occur in society. Even long before this rule was made flexible, Islamic law basically existed at the time of the Prophet and his companions, it is narrated that there was a man asking the Prophet if it is permissible to kiss his wife while fasting, at that time a young man came, he said, "O Messenger of Allah, may I kiss my wife while fasting?" The Prophet replied, "No". Then an old man came, he asked, "May I kiss my wife while fasting?" The Prophet replied, "Yes. Verily, parents can restrain their lust."

At the time of the companions of Umar Ibn Khattab r.a. changes to the law occur. he allocated four-fifths of ganimah not to soldiers who joined the war, but allocated to the state treasury which was managed by the landowner, the profit tax from the proceeds was submitted to the state treasury. The decision of Umar Ibn Khattab r.a. seem contradictory to the word of Allah swt. of which four-fifths is allocated to soldiers who go to war. Allah swt says in QS al-Anfāl/8:41.

﴿ وَاعْلَمُوا أَنَّمَا غَنِمْتُمْ مِنْ شَيْءٍ فَإِنَّ لِلَّهِ خُمُسَهُ وَلِلرَّسُولِ وَلِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينِ وَابْنِ السَّبِيلِ أَلْتَقَىٰ الْجَمْعُ وَاللَّهُ عَلَىٰ كُلِّ شَيْءٍ قَدِيرٌ ٤١ ﴾

Its Meaning is:

41. Know that whatever you get as spoils of war, then one-fifth is for Allah, the messenger, the relatives (the messengers), the orphans, the poor, and ibn sabil, if you believe in Allah and in what we have sent down to slaves. We (prophet Muhammad) on the day al-furqan (discriminatory), that is, on the day the two armies meet. Allah has power over all things..³⁵

What is meant by the above verse is the reward of wealth obtained from the disbelievers through battle. One-fifth of the ganimah is shared with Allah swt. and the Messenger of Allah, relatives of the Prophet, orphans, the poor, and ibn Sabil. As for four-fifths of the ganimah divided among the soldiers who participated in the war.³⁶

³⁴Terjemah Penulis.

³⁵Kementrian Agama RI, *al-Quran dan Terjemahnya* (Bandung: Cordoba, 2018), h. 267.

³⁶Ismā'īl Ibn 'Umar Ibn Kašīr al-Qurasyī, *Tafsīr al-Qurān al-Karīm*, Juz 4 (Cet. II; t.t.: Dār Ṭaibah, 1999), h.59.

KONSEP MUTAKALLIMĪN DALAM INTERPRETASI DILĀLAH AL-LAFAẒ SERTA IMPLIKASINYA PADA FIKIH IKHTILĀF

Umar Ibn Khattab r.a. do so with the aim and consideration of benefit and not to conflict with existing texts because the allocation of funds to the state can be channeled to general matters such as the construction of roads, schools, bridges, hospitals and so on, rather than being divided up only to small groups, namely the army. Who join the war whose reach of benefit is limited to certain groups. This shows the depth of knowledge of Umar Ibn Khattab r.a. In deciding cases, it is seen from the changing circumstances and conditions of the community and the existing benefits.

The explanation above will detail some contemporary fiqh problems that occur in society using several methods of dilālah al-lafaz fiqh proposal science. The author will examine legal events that often arise in the midst of the Muslims, including:

Praying in the Courtyard of the Prophet's Mosque

The Prophet's Mosque has its own specialty compared to other mosques on earth for Muslims. A Muslim makes this mosque the most missed place. They are willing to spend money for the sake of praying in it. because he has the privilege, because the reward that is obtained for those who pray in it is multiplied by Allah swt, as did the Messenger of Allah. said:

عَنْ ابْنِ عُمَرَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: صَلَاةٌ فِي مَسْجِدِي أَفْضَلُ مِنْ
أَلْفِ صَلَاةٍ فِيْمَا سِوَاهُ إِلَّا الْمَسْجِدَ الْحَرَامَ، وَصَلَاةٌ فِي الْمَسْجِدِ الْحَرَامِ أَفْضَلُ مِنْ مِائَةِ
أَلْفِ صَلَاةٍ فِيْمَا سِوَاهُ³⁷

Artinya:

From Ibn Umar r.a. The Prophet said, "Prayer in my mosque (Nabawi mosque) is more important than a thousand prayers in other places, except the Grand Mosque, and praying in the Grand Mosque is better than a hundred thousand prayers in other places." (HR. Ibnu Majah)³⁸

The hadith above in its *dilālahmanṭuq* implies that someone who prays in the Prophet's mosque will get the virtue of a thousand prayers because the use of the letter jar في in Arabic language science one of its meanings is to explain the place or

³⁷Aḥmad Ibn Syu'aib Ibn 'Alī al-Kharasānī al- Nasā'ī, *al-Mujtabā min al-Sunan*, Juz 5 (Cet. II; Halab: Maktabah al-Maṭbū'āt al- Islāmiyyah, 1987), h. 213.

³⁸Terjemah Penulis.

time.³⁹ which is commonly referred to as *zharfu al-zaman wa zharfu al-makan*, also sentence مسجدي which contains an explanation of *idhafah* and one of the meanings of *idhafah* also means في makes its *dilālahmanṭuq* the stronger that a Muslim who prays in the Prophet's mosque gets reward of a thousand prayers, while his *mafḥūm mukhālafah* outside the prophet's mosque does not get that virtue.

Regarding the explanation above, questions will arise that are related to Islamic jurisprudence or contemporary problems. The question is, what is the legal status for someone who prays in the courtyard of the Prophet's mosque because the capacity inside the Prophet's mosque is not enough to accommodate the number of people praying so he prays outside the Prophet's mosque, is the reward the same as those who pray inside the Prophet's mosque?

In this case, the author will examine and answer through several approaches, one of which is the hermeneutic approach. The hermeneutic approach has the meaning of interpretation or interpretation in understanding the meaning of words and terms mentioned in the text. In relation to the case above, it can be seen from several perspectives. First, a Muslim who prays in the courtyard of the Prophet's mosque still gets the reward of praying a thousand times if the capacity in the Prophet's mosque is full and it is not possible to pray in it on the grounds that it can cause greater harm, namely jostling that can cause unrest and even death, because guarding the soul takes precedence. However, if the congregation for praying at the Prophet's Mosque has decreased so that one can perform prayers in it, then one who wants to get a thousand times reward for praying in it should be. As the rules of fiqh say:

إِذَا ضَاقَ الْأَمْرُ اتَّسَعَ وَإِذَا اتَّسَعَ ضَاقَ⁴⁰

The meaning is:

If a case is narrow, then it becomes broad, and if it is expanded, the case becomes narrow.⁴¹

Second, the lafaz of the mosque contains a broad meaning and contains the meaning of *zharfu al-makan*, namely everything that can be used as a place for prostration is

³⁹Imād 'Alī Jum'ah, *Tasjīr Auḍāḥu al-Masālik ilā Alfīyah Ibn Mālik* (Cet. I; Riyāḍ: Dār Tayyibah, 2013), h. 152.

⁴⁰Anwar Ṣalīḥ, *al-Mukhtaṣar fīmā 'Urifa min Qawā'id al-Fiqh* (Cet. II; Riyāḍ: Dār al-Ṣamī'ī, 2010), h. 65.

⁴¹Terjemah Penulis.

KONSEP MUTAKALLIMĪN DALAM INTERPRETASI DILĀLAH AL-LAFAẒ SERTA IMPLIKASINYA PADA FIKIH IKHTILĀF

included in the category of mosque. This argument is supported by the words of the prophet, the Messenger of Allah. Said :

عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: وَجُعِلَتْ لِي الْأَرْضُ
مَسْجِدًا وَطَهُورًا فَأَيُّمَا رَجُلٍ مِنْ أُمَّتِي أَدْرَكَتُهُ الصَّلَاةُ فَلْيُصَلِّ⁴²

The meaning is:

From Jabir ibn 'Abdillah from the Messenger of Allah. said, "The whole earth is made as a place for prayer and for purification. Whoever from my Ummah finds the time for prayer, then pray in that place." (HR. Bukhari)⁴³

Dilālah maṭṭūq From the hadith, it is indicated that the earth that is stepped on, including the courtyard of the Prophet's Mosque, can be used as a place for prayer, so it can be concluded by using the *jam'u* (compromise) technique between one text and another that a Muslim still gets a reward for a thousand prayers in one place. the courtyard of the Prophet's mosque if the conditions in the mosque are full and cannot accommodate the worshipers to pray.

Determination of Fasting with Rukyat

The rukyat method is the activity of observing the moon directly by using the eyes directly or using tools such as binoculars. This activity focuses on the visibility of the new moon or the young crescent at sunset as the Hijri calendar changes. The evidence related to the determination of fasting by using the rukyat hilal is the hadith of the Prophet Muhammad. Rasulullah saw. Said :

عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: إِذَا رَأَيْتُمُوهُ
فَصُومُوا, وَإِذَا رَأَيْتُمُوهُ فَأَفْطِرُوا, فَإِنْ عُمَّ عَلَيْكُمْ فَأَقْدُرُوا لَهُ. مُتَّفَقٌ عَلَيْهِ⁴⁴

The meaning is:

⁴²Muḥammad Ibn Ismā'īl al-Bukhārī, *al-Jāmi' al-Musnad al-Ṣaḥīḥ*, Juz 1 (Cet. I; Damasqus: Dār tuqu al-Najāḥ, 1422 H), h. 73.

⁴³Terjemah Penulis

⁴⁴ Muḥammad Ibn Ismā'īl al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, Juz 3, h. 25.

From Ibn Umar r.a. said I heard the Messenger of Allah. said, "If you see the crescent of Ramadan, then fast, and if you see the new moon of Shawwal, celebrate Eid. But if the weather is cloudy, then fulfill the day." (HR. Muttafaqun 'Alaihi) ⁴⁵

Manṭūq of the hadith above, it is obligatory to fast in Ramadan the next day if the new moon is seen on the night of the thirty Sha'ban and it is obligatory to celebrate *Eid* the next day if the new moon is seen on the thirty night of Ramadan. So, the determination of the law of fasting and *Eid* depends on the rukyat of the new moon.

The hadith above also shows the determination of the law, the entry and exit of fasting time does not lie in the reckoning because, when viewed using the *mathūm al-syaṭ* approach used by the *mutakallamin* school, the *dalālah*, namely, the conditions for entering and leaving the fasting time lies in the rukyat hilal. not on reckoning or in other words, if you do not see the new moon then do not fast. The hadith also explains the problems that occur if the new moon is not visible due to obstruction of human vision from clouds, rain, dust and fog by perfecting it to thirty days.

The above hadith considers the use of lafaz فَاقْدُرُوا لَهُ with the assumption that it is estimated with the science of reckoning as stated by Muṭarrif ibn 'Abdillah, a tabin leader and Ab al-Abbās ibn Suraij, one of the leaders of the Shafi'iyah scholars. This assumption according to the author is not correct because in determining a law it is necessary to first find other supporting arguments, among the supporting arguments that reinforce that the meaning of فَاقْدُرُوا لَهُ it is perfect for thirty days is the hadith below :

عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ذَكَرَ رَمَضَانَ، فَقَالَ فَصُومُوا لِرُؤْيَيْهِ، وَأَفْطِرُوا لِرُؤْيَيْهِ، فَإِنْ أُغْمِيَ عَلَيْكُمْ فَاقْدِرُوا لَهُ ثَلَاثِينَ⁴⁶

Its Meaning is :

From ibn Umar r.a. Rasulullah saw. The Messenger of Allah (saw) said, "If you see the crescent of Ramadan, then fast, and if you see the new moon of Shawwal, celebrate Eid. If the weather is cloudy, then complete it until the thirtieth day." (HR. Muslim) ⁴⁷

⁴⁵Terjemah Penulis.

⁴⁶Abu husain Muslim ibn Hajjaj an-Naysaburi, *Ṣaḥīḥ Muslim*, Juz 2 (Saudi Arabia: Riasah Idārah Buḥūs 'Ilmiyyah, 1400 H) h. 759.

⁴⁷Terjemah Penulis.

*KONSEP MUTAKALLIMĪN DALAM INTERPRETASI DILĀLAH AL-LAFAẒ
SERTA IMPLIKASINYA PADA FIKIH IKHTILĀF*

عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: «الشَّهْرُ تِسْعٌ وَعِشْرُونَ لَيْلَةً، فَلَا تَصُومُوا حَتَّى تَرَوْهُ، فَإِنْ غَمَّ عَلَيْكُمْ فَأَكْمِلُوا الْعِدَّةَ ثَلَاثِينَ»⁴⁸

Artinya:

From ibn Umar r.a. Rasulullah saw. The Messenger of Allah said, "When the moon has entered the twenty-ninth night of the month of Sha'ban, then do not fast until you see the new moon. And when it is cloudy, complete the month of Sha'ban to thirty days." (HR. Bukhari)⁴⁹

The sentence فَأَقْدُرُوا لَهُ according to the author still characterize mujmal that need be searched its mubbayan from other hadith. After researched its mubbayan from the sentence فَأَقْدُرُوا لَهُ so its meaning is فَأَكْمِلُوا الْعِدَّةَ ثَلَاثِينَ.

Ibn Taimiyah argues that not considering the method of reckoning in determining the entry and exit of the month of Ramadan is the consent of the companions, because the Prophet saw. determine the law with the rukyat hilal method and not the reckoning method. This is between the grace and ease of Allah. on his servant.

The proof that if the new moon on the thirtieth night is not visible, due to dust, cloudiness or fog, then the way is to complete the number of the month of Sha'ban to thirty days and not fast the next day, because being in the month of Sha'ban is a belief while out of it is still in doubt. So belief in the month of Sha'ban cannot be canceled by doubt and prejudice. As the rules of fiqh say:

الْبَيْتَيْنِ لَا يَزُولُ بِشَكِّ⁵⁰

The meaning is :

Faith cannot be undone by doubt.⁵¹

Likewise, when determining Ejd al Fitr, the method is by using mafhum mukhalafah. The prophet says وَإِذَا رَأَيْتُمُوهُ فَأَفْطِرُوا (if you see the new moon then break your fast)

⁴⁸Muhammad Ibn Ismā'īl-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, Juz 3, h. 27.

⁴⁹Terjemah Penulis.

⁵⁰Anwar Ṣalīḥ, *al-Mukhtaṣar fīmā 'Uriḥa min Qawā'id al-Fiqh*, h. 39.

⁵¹Terjemah Penulis.

its *mafhum al-Mukhalāfah* If you don't see the new moon then don't break your fast, meaning that the original law of Ramadan is still there. This is in line with the fiqh rules:

الأصل بقاء ما كان على ما كان⁵²

The meaning is :

The law of origin of something remains at its origin as long as there is no belief in its change.⁵³

Fasting Six Days in the Month of Shawwal

Fasting in Shawwal has virtues. A Muslim who fasts Ramadan perfectly and then fasts six days in Shawwal, he will get the reward of fasting for a whole year. As the Prophet SAW said.

عَنْ أَبِي هُرَيْرَةَ رضي الله عنه قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَنْ صَامَ رَمَضَانَ ثُمَّ أَتْبَعَهُ سِتًّا مِنْ شَوَّالٍ كَانَ كَصِيَامِ الدَّهْرِ⁵⁴

The meaning is:

From Abu Hurairah r.a. he said, Rasulullah saw. said, "Whoever fasts Ramadan and then fasts six days in Shawwal, then he fasts like a whole year." (HR. Muslim)⁵⁵

The majority of scholars from among Abu Hanifa, Shafi'i and Imam Ahmad. argues with this hadith, that it is sunnah for every Muslim to fast in the month of Shawwal. As for Imam Malik, it is forbidden. with the argument that he has never seen experts from the fiqh scholars do it. However, Imam al-Nawawi argues that in the Shafi'i school, the sunnah of fasting in Shawwal is supported by this firm argument. If it has been proven that there is evidence of support from the hadith, then that opinion is not abandoned just because of the words of some people.⁵⁶

⁵²Muslim ibn Muḥammad al-Duwasrī, *al-Mumti' u fi al-Qawā'id al-Fiqhiyyah* (Cet. I; Riyāḍ: Dār Zidnī, 2007), h. 123.

⁵³Terjemah Penulis.

⁵⁴Muslim bin Ḥajjāj, *Ṣaḥīḥ Muslim*, h. 523.

⁵⁵Terjemah Penulis.

⁵⁶Abu Zakariyā Mahyī al- Dīn Yahya al- Nawawī , *al- Majmū' Syarḥ al- Muḥaẓẓab*, Juz 1 (t.t.: Dār al- Fikr, t.th.), h. 378.

*KONSEP MUTAKALLIMĪN DALAM INTERPRETASI DILĀLAH AL-LAFAẒ
SERTA IMPLIKASINYA PADA FIKIH IKHTILĀF*

Kindness will be repaid at least with ten goodness like. This shows that fasting for a whole month of Ramadan will be rewarded with ten months of good fasting. While fasting six days in the month of Shawwal will be rewarded at least with sixty days (two months) of the goodness of fasting. If you add up, a person is the same as fasting for 10 months + 2 months is the same as 12 months. That is why people who fast in Shawwal can get the reward of fasting for a whole year.

There are several questions regarding the Shawwal fasting in society that need to be answered. How to fast six days in the month of Shawwal, does it have to be sequential starting from two Shawwal to eight Shawwal, or can it be not consecutive?

What about those who have debts for fasting in Ramadan, which one takes precedence, whether to make up the fast of Ramadan and then fast for six days in Shawwal or vice versa? These questions, the author will answer by using the proposed rules built by mutakalliman scholars.

Manṭūq The above hadith hints at fasting shawwal sequentially with lafaz *أَتَّبِعْهُ* (Follow him directly)⁵⁷. So the question arises what if a Muslim fasts without following it directly.? The author's answer does not matter if a Muslim does it by ending it as long as it is still in the month of Shawwal because, the word *تَمَّ* in Arabic means later which shows the meaning of tartib (sequence) but separated by time.⁵⁸ The meaning can be fasting started at from the second day of Shawwal then on the third, fifth and so on which has a time lag until the fasting is even six days in the month of Shawwal.

The word *سِنَّةً* In the above hadith also shows the meaning of nakirah (the isim still has not stated or explained a specific meaning), because the rules in the proposal, nakirah, the designation of which is the determination of a law shows absolute. The connection with fasting six days in Shawwal that *سِنَّةً* nakirah shows the absoluteness of fasting six days in Shawwal without success.

Permasalahan juga akan timbul terhadap seorang muslim yang mempunyai utang puasa Ramadan dan ingin berpuasa Syawal. Jawaban penulis hendaknya ia menqada puasa Ramadannya sebab qada merupakan kewajiban adapun puasa enam hari di bulan Syawal tergolong sunah. Mengedepankan wajib atas sunah lebih diutamakan

Problems will also arise for a Muslim who has debts for fasting Ramadan and wants to fast in Shawwal. The author's answer is that he should make up his fast in

⁵⁷Majma' al-Lughah al-'Arabiyyah, *al-Mu'jam al-Wasīf* (Kairo: Syurūq al-Dauly, 2011), h. 83

⁵⁸Majma' al-Lughah al-'Arabiyyah, *al-Mu'jam al-Wasīf*, h. 104

Ramadan because qada is an obligation, while fasting six days in Shawwal is sunnah. Prioritizing mandatory over sunnah takes precedence.

CONCLUSION AND IMPLICATION

Conclusion

The concept of Mutakallimīn in interpreting the propositions in the texts is based on a logical approach, theoretically reinforced by evidence and among them are scholars of the Shafi'i, Maliki, Hanbali schools as well as kalam scholars from Mu'tazilah and Asya'irah. In their view, everything must be logical and philosophical in nature. This thinking also does not attribute to certain schools of thought and is not influenced by ta'shub or school fanaticism, the rules formed are based on in-depth studies.

Implication

After going through research related to the concept of mutakallimn in the interpretation of dilālah al-lafaz and its implications for ikhtilāf fiqh, research and studies on dilālah al-lafaz and its implications for ikhtilāf fiqh, need to get attention for scholars and academics because, by studying it will provide knowledge about wisdom Islamic jurisprudence even though the times continue to develop.

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*KONSEP MUTAKALLIMĪN DALAM INTERPRETASI DILĀLAH AL-LAFAẒ
SERTA IMPLIKASINYA PADA FIKIH IKHTILĀF*

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*KONSEP MUTAKALLIMĪN DALAM INTERPRETASI DILĀLAH AL-LAFAẒ
SERTA IMPLIKASINYA PADA FIKIH IKHTILĀF*

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