

THE CONCEPT OF *QAT'Ī DALĀLAH*: DEFINITION, LAWS, AND PERCEIVED CONFLICT

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HIGHLIGHT

- Understanding in the *dalalah lafaz* is a very important thing when doing *istinbath hukum*, because without understanding the word, anyone will never achieve the real purpose

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ABSTRACT

In terms of methods of discovering Islamic law, experts formulated 3 methods, namely: linguistic interpretation methods, kaukasi methods and theological methods. The mention of the method of discovery of the first type of law as bayani reasoning means that the discussion is more focused on text, in this case the text is Arabic. This method is a method of legal discovery by interpreting or interpreting existing Islamic legal texts, namely the Quran and hadith. Urgency of sharia is based on the understanding of the verses (verses) of the law in the Qur'an and hadith, the process of decomposition, deepening, and formulation of the law based on a collection of sources from the Qur'an and Hadith. Clear Lafaz is a clear explanation its designation of the intended meaning without requiring an outside explanation. Lafaz, whose meaning is clear, there are 2 opinions, result and findings discussed.

Keyword : *Qat'ī Dalālah; Zahir; Nash; Mufassar; Muhkam*

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A. INTRODUCTION

Usul fiqh not only explains primary sources, that is the Quran and Hadith but also from secondary sources, *ijma'*, *qiyas*, *isthsan*, and other *ijtihad* methods. In doing that, Usul discusses various kinds of words used in the Quran and the Sunnah in particular and Arabic language in general such as the *'Amm* (general) and *Khass* (particular), *Mutlaq* (unconditional), *Muqayyid* (conditional), *Haqiqi* (literal) and *Majaji* (Metaphorical), various types of clear words and unclear words. Imam Syafi'i is considered to be the father of the science of Usul. This is true in the sense that the systematic treatment of the principles of Usul al Fiqh was first made by him. Before him, the jurists of course followed some principles in the deduction of law but these principles were not integrated and systematized.

Initially two approaches developed in the study of Usul, the theoretical and the deductive. The theoretical approach was developed by Imam Syafi'i who enacted a set of principles which should be followed in the formulation of Fiqh. On the other hand primarily the early and later Hanafi scholars looked into the details of law given in the Quran and Hadith and derived legal rules or Usul principles therefrom. However, the later scholars combined the two approaches and presently the subject essentially follows some format. An important issue in Usul-al-Fiqh is how to interpret the basic sources of Islam, the Quran and the Hadith. This would require understanding the Quran and the Hadith

Interpretation is not normally attempted if the text itself is self-evident. However, the greater part of Fiqh or law is derived through interpretation because most of the legal texts are not self-evident. Interpretation in Arabic language is *Ta'wil* and it should be noted that *Ta'wil* (interpretation) and *Tafsir* (explanation) is not the same thing. *Tafsir* aims at explaining the meaning of the given text and deducing a *Hukm* (rule) from it within the confines of its sentences. *Ta'wil* (interpretation) goes beyond the literal meaning of the text and bring out hidden meaning, which is often based on speculative reasoning and *Ijtihad*.

B. METHOD

This research is a library research with descriptive approaches, which are describing or explaining the analysis of the concept of *Qaṭ'i Dalālah*: definition, laws and perceived conflict. The method of collecting data in this study is documentation, journals and books. Then analyzed using content analysis. Data analysis methods are deductive, inductive and comparative.

C. RESULT AND DISCUSSION

1. Qaṭ'ī and Zanni

Etymologically, the words *qaṭ'ī* and *zanni* each come from the Arabic word قطع-يقطع which means, cuts, breaks and is certain. Whereas the *zanni* ظنّ-يظنّ - ظنّا means presumption and estimation. (Luwis 1960:220). Whereas according to the term, as stated by Abdul Wahab Khallaf (Cairo University legal expert) that the passage which is *qath'i al-dalalah* is the *nash* (Quran/hadith) which refers to certain meanings that must be understood from the editor (lafaz) and may not accept takwil and other meanings (Khallaf 1990: 74). Based on this definition, it can be understood that the verse which is *al-dalalah* is *naṣh* (Quran/hadith) which has a single meaning which is impossible to accept interpretations in the form of *ta'wil*, *takhsis* or *tabdil* and others (Munawwir 1997:1277). The lafaz *zanni* is the opposite of the *qaṭ'ī*. Al-Qur'an if in terms of its content there is a *qaṭ'ī dalalah* (definite meaning), and there is a *zanni* in it (relative meaning). What is meant by the certainty of meaning or *qaṭ'ī* is the verses that have clear meaning (do not require interpretation), while the meaning of *zanni* is (the relative meaning) is the verses of the Koran which still require interpretation, making it possible Islamic scholars and thinkers differed from the age of the era. (Ishak t.t:3)

2. Types of Zanni Dalalah in Clearness of Word and It's Law

Judging from the level of clearness of the lafaz in showing the intended meaning, then *zanni al-dalalah* is divided into four types, are as follows: *Zahir*, *Nas*, *Mufassar*, then *Muhkam*. According to the scholars of ushul fiqh, *zahir al-dalalah* or also called *wadih al-dalalah* is a pronunciation that shows the firmness of the meaning that is clearly stated in the lafaz itself, not dependent on anything outside the letter. In other words, *zahir al-dalalah* is a lafaz whose meaning is indicated by the editor of the word, so to arrive at that meaning there is no need for any help outside of the word. Judging from the level of clearness of the lafaz in showing the intended meaning, then *zahir al-dalalah* is divided into four types, while the sequence of the four types of levels from the clearer then the clearer and so on increases to more clearly, are as follows: *zahir*, *nash*, *mufassar*, then *muhkam*. From the viewpoint of clarity (*wuduh*), words are divided into the two main categories of clear and unclear words. A clear word conveys a concept which is intelligible without recourse to interpretation.

A word is unclear, on the other hand, when it lacks the foregoing qualities: the meaning which it conveys is ambiguous/incomplete, and requires clarification. The clarification so required can only be supplied through extraneous evidence, for the text lacks it. A clear text, on the other hand, is self-contained, and needs no recourse to extraneous evidence. Based on clarity and conceptual strength, clear words are divided into four types, namely (1) the manifest (*Zahir*), (2) the explicit (*Nash*), which commands greater clarity, (3) the unequivocal (*Mufassar*) and (4) the perspicuous (*Muhkam*), which ranks highest in clarity (Khallaf 1996:237).

And then from the viewpoint of the degree of ambiguity in their meaning, words are classified, once again, into four types.

a. *Zahir*

Zahir (manifest) is a word which has a clear meaning and yet open to *Tawil*, primarily because the meaning is not in harmony with the context. *Ta'wil* is changing the linguistic meaning of words to other meanings with a proposition. *Ta'wil* can be *Takhsis* or *Taqyid*. As example in Holy Qur'an:

واحل الله البيع وحرم الربوا.....

Meaning: "... Allah has justified buying and selling and prohibiting usury (QS. 2:275)

Zahir Lafaz in the above paragraph shows: buying and selling is halal while usury is forbidden. Or as Allah said in Holy Qur'an:

فانكحوا ما طاب لكم من النساء مثنى وثلاث وربع....

Meaning: "... Then marry the women you like: two, three or four ..." (QS. 4:3)

Zahir Lafaz in the verses above shows: someone may in marrying a woman he likes, two, three or four.

Zahir's law is obliged to be carried out according to the meaning shown by the redaction of the Lafaz unless there are other arguments that translate it. If *zahir* in the form of an absolute lafaz must be carried out according to its absolute nature until there is a

proposition that invalidates the absoluteness of the argument. And if the *zahir* is in the form of a lafaz *al-'am*, then it must be practiced according to its generality, until there is another argument that insists (specifies) the validity of the redaction's *lafaz* or *that the lafaz* is carried out according to the meaning indicated by it (Maulidizen 2016:147).

b. *Nash*

Nash is a clear word that is in harmony with the context, but still open to *Ta'wil*. The distinction between *Zahir* and *Nash* is whether the meaning is in harmony with the context or whether the meaning is primary or secondary in the text concerned. The obvious meaning of *Zahir* and *Nash* should be followed unless there is reason to warrant recourse to *Ta'wil*. *Nash's Law* As a *zahir* law, the *nash* category must also be practiced according to the condition of the *nash* and can accept or mentakwilkan that if the pronunciation is in the form of an absolute certificate must be practiced on its absoluteness until there is an argument which condemns it. And if the *nash* in the form of lafaz *al-'am* must be carried out on its generality until there is a proposition that bases or is practiced according to the meaning that is appointed until there is a positive argument. For example, the Law of the will which is absolutely stated in the Holy Qur'an:

.... من بعد وصية يوصي بها او دين....

After being fulfilled the will that he made or (and) after being paid his debt ..." (QS. 4:12)

In the above paragraph it is affirmed that a will and debt must take precedence over the distribution of inheritance. The will in the above paragraph is stated absolutely. Then limited to as many as one third of the inheritance, as stated by the Prophet:

الثالث والثالث كثير أو كبير رَوَاهُ الْبُخَارِيُّ وَمِثْلُ سَمْعٍ عَنْ أَبِي عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُ....

Meaning: "... (The will) is a third (inheritance) and like that is large or large". (Narrated by Bukhari and Muslim from Ibn 'Abas ra.)

Even though the *zahir* and *nash* category propositions have a clear meaning, but because it is possible to accept *takhsis*, *tawil*, or *nasakh*, then it is still classified into the *zanni dalalah*. What is meant by *zanni* is (the relative meaning) is the verses of the Qur'an which

still require interpretation, so that it is possible for Muslim scholars and thinkers to differ from the age of the era. (Zahrah 1997:96)

This is a word with clear meaning, yet is open to *ta'wil*, primarily because the meaning is not in harmony with the context. It has a literal original meaning of its own but leaves open the possibility of an alternative interpretation. For example, the word 'lion' in the sentence 'I saw a lion' is clear enough, but it is possible, although less likely, that the speaker might have meant a brave man. When a word conveys a clear meaning that is also in harmony with the context in which it appears, and yet is still open to *ta'wil*, it is classified as *Nash*. The distinction between the *Zahir* and *nash* mainly depends on their relationship with the context. These may be illustrated in the Qur'anic text concerning polygamy, as follows: And if you fear that you cannot treat the orphans justly, then marry the women who seem good to you, two, three or four (al-Nisa, 4:3)

Two points constitute the principal theme of this ayah, one of which is that polygamy is permissible, and the other that it must be limited to the maximum of four. We may therefore say that these are the explicit rulings (*nash*) of this text. But the legality of marriage between men and women is not the principal theme of this text, but only a subsidiary point. The main theme is the *nash* and the incidental point is the *Zahir* (Abu Zahrah 1997:166)

The effect of *Zahir* and *Nash* is that their obvious meanings must be followed unless there is evidence to warrant recourse to *ta'wil*. When we say that *Zahir* is open to *ta'wil*, it means that when *Zahir* is general, it may be specified, and when absolute, it may be qualified. Similarly the literal meaning of *Zahir* may be abandoned in favour of a metaphorical meaning. And finally, *Zahir* is susceptible to abrogation which, in the case of the Quran and Hadith, could only occur during the lifetime of the Prophet.

An example of *Zahir* which is initially conveyed in absolute terms but has subsequently been qualified is the Quranic text (al-Nisa', 4:24) which spells out the prohibited degrees of relationship in marriage. The text then continues, 'and lawful to When a word has a primary meaning and a secondary one, you should choose the primary unless there is an evidence, the secondary is what is meant. *Ta'wil* is to choose the secondary. you are women other than these, provided you seek them by means of your wealth and marry them properly. ' The passage preceding this ayah refers to a number of female relatives with

whom marriage is forbidden, but there is no reference anywhere in this passage either to polygamy or to marriage with the paternal and maternal aunt of one's wife. The apparent or *Zahir* meaning of this passage, would seem to validate polygamy beyond the limit of four, and also marriage to the paternal and maternal aunt of one's wife. However, the absolute terms of this ayah have been qualified by another ruling of the Qur'an (al-Nisa', 4:3) quoted earlier which limits polygamy to four. The other qualification to the text is provided by the Mashhur Hadeeth which forbids simultaneous marriage with the maternal and paternal aunt of one's wife (Zahrah 1996:94.)

It will be noted that *nash*, in addition to the technical meaning has a more general meaning commonly used by the fuqaha', and it is: a definitive text or ruling of the Quran or Hadith. Thus it is said that this or that ruling is a *nash*. But *Nash* as opposed to *Zahir* denotes a word or words that convey a clear meaning, and also represents the principal theme of the text in which it occurs.

nash, like the *Zahir*, is open to ta'wil and abrogation. For example, the absolute terms of the ayah on the prohibition of dead carcasses and blood have been qualified elsewhere in the Qur'an where 'blood' has been qualified as 'blood shed forth' (al-An'am, 6:145). Similarly, there is a Hadeeth which permits consumption of two types of dead carcasses, namely fish and locust (Karim 1997:177)

To give an example of *Zahir* in modern criminal law, we may refer to the word 'night' which occurs in many statutes in connection with theft. When theft is committed at night, it carries a heavier penalty. Now if one takes the manifest meaning of 'night', then it means the period between sunset and sunrise. However this meaning may not be totally harmonious with the purpose of the law. What is really meant by 'night' is the dark of the night, which is an accentuating circumstance in regard to theft. Here the meaning of the *Zahir* is qualified with reference to the rational purpose of the law. (Khallaf 1990:166.)

c. *Mufassar*

Mufassar (unequivocal) and *Muhkam* (perspicuous) are words whose meaning is absolutely clear and there is no need to take recourse to *Ta'wil*. *Mufassar* divide into two: *mufassar lizatihi* and *mufassar bi-ghairihi*.

[1] *Mufassar lidzatihi* namely lafadz which does not require an explanation from the others for the clearness of the clue to the intended meaning. For example, in Holy Qur'an:

....وقاتلو المشركين كافة....

Meaning: "... and fight the polytheists all ..." (Qur'an, 9:36)

With the lafadz كافة all) in the verse above, excludes takhsish to lafaz 'am: (المشركين polytheists). Thus, with the explanation it has become clear the meaning intended, without the need for explanation from the others.

[2] *Mufassar bighairihi*, which is a pronunciation that requires an explanation from the other for the clearness of the clue to the intended meaning. For example, in lafaz mujmal (global) then to explain so that the meaning shown by the mujmal must have an explanation from the others. For example the word contained in the Holy Qur'an:

واقيموا الصلوة....

Meaning: "And establish prayer ..." (Qur'an, 2:43)

Lafaz الصلاة according to language means prayer. The ease of this pronunciation is used by syara 'for other meanings which are more detailed but, because in the verse, put forward in a formal manner, it is not sufficiently clear the intended meaning. Therefore an explanation is needed from the others, which in this case is explained by the traditions both in the form of the words of the Prophet and his actions, including:

صلوا كما رأيتموني أصلي

Meaning: "Pray for you, as you see me praying" (Narrated by Al-Bukhari).

Must apply the meanings shown by Mufassar, unless there is a valid proposition that justifies it.

d. Muhkam

Muhkam is a lafaz which clear to the clue and to the meaning intended (by compilation) of the lafaz, with no possibility of being ordained and not condemned during the apostolic

period of the Prophet. *Muhkam* is not condemned, because the laws that is shown is the main law in religion. Judging from the cause cannot be abrogated, then *muhkam* can be divided into two types, namely: *Mukham Lizatihi* and *Mukham Li ghairihi*.

Mukham Lizatihi, namely *muhkam* which is solely because of the designated meaning that is impossible to be abrogated, such as: the necessity of worshiping only Allah SWT and doing good to two parents, as instructed by Allah.

وقضى ربك ألا تعبدوا إلا إياه وبالوالدين إحسانا

Meaning: "And your Lord has commanded that you do not worship besides Him and that you should do well to your mother and father properly ..." (Qur'an, 17:23)

Muhkam lighairihi is *muhkam* because it is accompanied by a *lafadh* which shows the eternity of existence so it cannot be abrogated. Like *themuhkam* contained in An - Nur (24): verse 4

وَالَّذِينَ يَزْمُونَ الْمُحْصَنَاتِ ثُمَّ لَمْ يَأْتُوا بِأَرْبَعَةِ شُهَدَاءَ فَاجْلِدُوهُمْ ثَمَانِينَ جَلْدَةً وَلَا تَقْبَلُوا لَهُمْ شَهَادَةً أَبَدًا وَأُولَٰئِكَ هُمُ الْفَاسِقُونَ

Meaning: "And those who accuse good women (of adultery) and they do not bring four witnesses, so they (the accusers) roar eighty times, and do not accept their testimonies for the rest of their lives. " The testimony of the person who has done *qazaf* network for ever unacceptable because the verse is accompanied by the words of *ابدا* (for ever).

Because *muhkam* cannot accept *takwil* and cannot be abrogated, there is no other meaning than the meaning shown to a definite meaning. Therefore, it is mandatory to practice this *muhkam*. There is no real distinction between *Mufassar* and *Muhkam* in terms of clarity. However, the jurists have made a distinction between *Muhkam* and *Mufassar*, which one is liable to abrogation and which one is not. They hold *Muhkam* is not liable to abrogation and *Mufassar* is liable to abrogation. However, there is not much purpose in the distinction because nothing can be abrogated now.

Although the arguments of the *zahir* and *nash* categories, have clear meanings, but because it is possible to accept *takhsis*, *tawil*, and *nasakh*, then it is still classified into the

zannidalalah. The mufassar category, the redaction who does not accept ta'wil and takhsis, but can accept nasakh. Furthermore, the lafaz that does not accept tabdil, ta'wil, takhsis or nasakh is muhkam. So these last two letters can be said as *qath'i dalalah* and the law must be practiced. (Khallaf What is meant by the certainty of meaning or *qath'i dalalah* are verses that have clear meanings (do not require interpretation) (Bik 1982:148).

It was stated by al-Syathiby, an expert on *usul al-fiqh* (w.790 H. 1388 AD), he said "if the arguments of sharia stand alone, it is very rarely found to have definite meaning, because the arguments are *ahad* then obviously it cannot provide definite meaning, because the *ahad* is a *zanni*." The difficulty, according to al-Syathiby, is because when the *syara's* arguments are *ahad*, so clearly it will not produce a certainty. Whereas if the argument is *mutawatir*, then to conclude a definite understanding is still needed for the definite *muqaddimah* and must be *mutawatir*.

Whereas to achieve *mutawatir* nature is almost certainly difficult. Because, he is very dependent on the ten facts of the pronunciation he calls *muqaddimah 'syarah* and all of them are *zanni*, namely: (1) The possibility of subjectivity of the narrative of lafaz (the language of legal postulates) and the thought of the Arabic grammar experts, (2) the pronunciation sometimes contains many meanings (*isytirak*), (3) There are those who are not essential, (4) The words are sometimes in *syara'* and tradition terms at the same time, (5) The meanings are often hidden in meaning, (6) The lafaz are sometimes general, so they require *takhsis*, (7) Lafaz-lafaz is sometimes absolute, it requires boundaries (*taqyid*), (8) Lafaz-lafaz is probably the *mansukh* who needs his wisdom (*nasikh*), (9) The lafaz-lafaz sometimes comes first and sometimes ends (*taqdim/ta'khir*), and (10) Does not contain a logical rejection (*adam al-mu'arid al-'aqli*).

Al-Syathiby explained that if there is one of the above elements in the lafaz, then the status is *zanni*. And the possibility is difficult to avoid. Therefore, he concluded that if the arguments of sharia stand by itself it is difficult to find meaningful *qath'i*, if there it would be rare. Al-Syathiby explained further how the actual process passed by a law was lifted from a passage so that it was finally named *qath'i*. The arguments that have *qath'i al-dalalah* are propositions that arise from a set of postulates (*dalil*) that the status of the *zanni* which leads to agreement of meaning, or has the same meaning, so that it can be concluded that all the

propositions (*dalil*) are meaning, and the purpose is the same, so that it increases to a kind of *mutawatir ma'nawi*. So it was named *qat'i al-dalalah*.

Thus, the process shows that the certainty of the meaning of the postulate (*dalil*) must be *mutawatirmaknawi*, not merely the meaning of *lafzi*. Furthermore, al-Syathiby gave an example that *maqasid al-shari'ah* is five (maintaining religion, soul, descent, wealth, and reason) which is *qath'i* in nature, there is no shari'ah argument which shows clearly (implied), but because all laws must be carried out, all aim to maintain the five, then *usl* (*maqasid al-shari'ah*) is considered *qath'i* (definite) or *ma'lum an al-din bi daruri*.

3. Law of *zahir*, *Nash*, *Mufassar* and *Muhkam*

Mufassar is a word or text whose meaning is completely clear and in harmony with the context. Because of this, there is no need for recourse to *ta'wil*. But the *Mufassar* may still be open to abrogation. The idea of the *Mufassar*, as the word itself implies, is that the text explains itself. The *Mufassar* occurs in two varieties, one being the text which is self-explained, or *Mufassar bi dhatihi*, and the other is when the ambiguity in one text is clarified and explained by another. This is known as *Mufassar bi ghayrihi* (Zahrah, 1982: 96)

Examples: the text in sura al-Taubah (9:36) which addresses the believers to 'fight the pagans all together (*kaffah*) as they fight you all together'. The word '*kaffah*' which occurs twice in this text precludes the possibility of applying specification (*takhsis*) to the words preceding it, namely the pagans (*mushrikin*). The words of a statute are often self-explained and definite so as to preclude *ta'wil*. But the basic function of the explanation that the text itself provides is concerned with that part of the text which is ambivalent (*mujmal*) and needs to be clarified. When the necessary explanation is provided, the ambiguity is removed and the text becomes a *Mufassar*. An example of this is the phrase '*laylah al-qadr*' ('night of qadr') in the following Qur'anic passage. The phrase is ambiguous to begin with, but is then explained: We sent it [the Quran] down on the Night of Qadr. What will make you realise what the Night of Qadr is like?[...] It is the night in which angels and the spirit descend (al-Qadr, 97:1-4). The text thus explains the '*laylah al-qadr*' and as a result, the text becomes self-explained, or *Mufassar*. Hence there is no need for recourse to *ta'wil*.

Sometimes the ambiguous of the Quran is clarified by the Hadith, and when this is the case, the clarification given by the Hadith becomes an integral part of the Quran. There are

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numerous examples of this, such as the words *salah*, *zakah*, *hajj*, *riba*. The clear meaning of a *Mufassar* is not open to interpretation and unless it has been abrogated, the obvious text must be followed. But since abrogation of the Quran and Hadith discontinued upon the demise of the Prophet, to all intents and purposes, the *Mufassar* is equivalent to the perspicuous (*Muhkam*), which is the last in the range of clear words and is not open to any change.

(a) Zahir's Law.

What is meant by dzahir law is in terms of how we may or must hold on to the last meaning, and under what circumstances can we leave the meaning of the last. The scholar of *ushul fiqh* law members regarding the use of *zahir lafazd* as follows:

فيه خلا على الدليل يدل ان ايد الا اتباعه يجب شرعي هر دليل الظا

Meaning: "zahir is a syar'i argument (which) must be followed, unless there is a proposition that shows something else." The point is that if there is no strong reason to encourage the judgment of something lafazh, then lafazh zahir is used as a proposition and that we must follow.

Implications of the Application of *Zahir* Law, to find out the laws implied behind a pronunciation, a study that uses *ra'yu* is needed. Here, reasoning is needed to know the nature and purpose of a pronunciation in the Quran, which allows to stretch the law that applies in the aforementioned sentence to other events that emerge behind this pronunciation can be done in several ways: **First**, the expansions of a pronunciation to other intentions can be done solely in understanding. In the *ushul fiqh* this method is called using the *muwafaqah* rules or the understanding of *mukhalafah*. **The second** form of opposition to other intentions is not merely a *lafaz* understanding but depends on an understanding of legal reasons or *illat*. The way to spread the *lafaz* in this form is to use the *qiyas* rule. But in a moment to realize a greater benefit, the mujtahid tries to dilute the connection to the others even though the connection is not strong. The law of a new event that appears, is directly related to the event that there is legal certainty in the text and the link must be clear and definite and strong. In this form Mujtahid will find another law than if he used the usual *qiyas*

method. The way in which the mujtahid took in the proposal of fiqh is called the term *istihsan*. When analyzed by the laws set by God in the Qur'an, it can be understood that basically Allah establishes the law is to bring benefit to humans, both in the form of providing benefits to

humans or avoiding *madarat* (damage) from humans. Thus if there is an incident there are *maslahah* that are of a general nature and there is no argument that the text collides with it then on this principle mujtahid can give birth to the law. The effort to find the law through this method is known among the scholars with the name *maslahah mursalah*. Example of *Lafadz Dhahir*; "those who eat (take away) are not able to be sent as they are, the person who is possessed by the sickness of the sick disease. Such a situation, is because they (say) argue, verily, sell their money with the soul, even though Allah has denied the sale and the prohibition of the faith ". (Surah Al-Baqarah: 275).

Come on, according to the context, to forgive the fees to explain the difference between the monthly purchase. However, from the tax rate it contains the understanding of the permissions of the purchase. This rule which is in effect is obligatory to practice understanding of one's life or of observing not a person or a person who turns his back on another understanding. If there is a person who shows other understanding, *lafal zahir bi ta'wil* (turned away from the understanding of the meaning of the evil thing that is present in another meaning that is not the last or not fast can be caught.

(b) Law of *Lafaz Muhkam*

Lafaz muhkam must be practiced in *qath'i*. This is due to the fact that the *lafaz muhkam* cannot be subordinated to other meanings outside of his sentence and cannot be addressed either when the Prophet was still alive or after his death. At the time of the Prophet Muhammad it could not be abrogated because *lafadh* itself prevented it. Whereas it could not be followed after the time of the Prophet because no one after him died who had the power to make the Sharia and change the laws set out in the Qur'an and al-Hadith. Thus the laws brought in by the Qur'an and al-Hadith after the death of the Prophet. It is all *muhkam*, it cannot be abrogated or canceled (Hamka t.th:78). One example we take is fasting *fard*, the word of God in the letter Al Baqoroh verse 183 which reads: "O ye who believe, it is obligatory for all of you to fast". In this verse, the meaning is clear, that those who are obliged

to fast are those who believe, other than those who believe, they are not obliged to fast. So, whoever believes in Allah hastens fast. The method of establishing substantial Islamic law, which relies on the implicit meanings of texts, has been put forward in the form of Islamic law-setting methods (according to Ash-Syatibi's view), namely: (1) *Al-Qiyas*, (2) *Istihsan*, (3) *Maslahah Mursalah*, and (4) *Sadd Zari'ah*. The method of determining verbal Islamic law is a method of *lagsung* in understanding the instructions of the forms of language of Islamic law texts (in the view of Ash-Syatibi) is as follows: (1) *Amar and Nahi*, (2) *Dalalah al-Alfaz 'Ala al-Ahkam*, (3) *Muhkam Mutasyabih*, and (4) *Mujmal-Mubayyan*

Ta'wil applies a lot in the field of Islamic law. For example, presenting a pronunciation of the meaning of the essence to the meaning of the *majaz*, subordinating the pronunciation of *mutlaq* to the understanding of *muqayyad*, subordinating a form of command to an understanding other than compulsory law, and turning away the notion of a prohibition to law other than haram (According to Adib Shalih). Some requirements for *ta'wil* are: (1) *Lafaz* who wishes to regionally contain some insights both in terms of language such as the meaning of nature, and the meaning of *majaz*, or in terms of the habits of the Arabs in using the pronunciation or in terms of the use of the pronunciation in Islamic sharia, and (2) There are arguments or indications which indicate that what is intended by the reader is not the meaning of *zahir* but the meaning is not *zahir* and the arguments or indications are stronger than *alsana* why set a pronunciation for the true meaning. Regional classification; (1) *Ta'wil sahih*, namely *ta'wil* based on theorem, (2) regional facilitators, namely regional offices based on false arguments, (3) In advance, the *ta'wil* is not based on theorem, and (4) Regional offices based on the arguments are two, namely: ***Ta'wil qarib***, is *ta'wil* which is based on the lowest arguments, meaning based on logical, textual or contextual understanding, or *pen'wilan* which can favor *mu'awwal* over *dzahir* with a simple proposition, and ***Ta'wil Ba'id*** is *ta'wil* whose requirements cannot be fulfilled in a *ta'wil* based on the lowest argument. So from that if, it turns out in the *penta'wilan* it was found that deviations from these requirements must be rejected.

4. Perceived Conflict Between *Mufassar* and *Nash* Is not Conflict

Since *Mufassar* is one degree stronger than *nash*, in the event of a conflict between them, the *Mufassar* prevails. This can be illustrated in the two Hadeeths concerning the

ablution of a woman who experiences irregular menstruations that last longer than the expected three days or so: she is required to perform the *salah*; as for the ablution (*wudu'*) for *salah*, she is instructed, according to one Hadeeth: A woman in prolonged menstruations must make a fresh *wudu'* for every *salah*. According to another Hadeeth A woman in prolonged menstruation must make a fresh *wudu'* at the time of every *salah*. The first Hadith is a *nash* on the requirement of a fresh *wudu'* for every *salah*, but the second Hadeeth is a *Mufassar* which does not admit of any *ta'wil*. The first Hadeeth is not completely categorical as to whether 'every *salah*' applies to both obligatory and supererogatory (*fara'id wa-nawafil*) types of *salah*. Supposing that they are both performed at the same time, would a separate *wudu'* be required for each? But this ambiguity/question does not arise under the second Hadeeth as the latter provides complete instruction: a *wudu'* is only required at the time of every *salah* and the same *wudu'* is sufficient for any number of *salahs* at that particular time (Khallaf 1994:169)

Words and sentences whose meaning is clear beyond doubt and are not open to *ta'wil* and abrogation are called *Muhkam*. An example of this is the frequently occurring Qur'anic statement that 'God knows all things'. This kind of statement cannot be abrogated, either in the lifetime of the Prophet, or after his demise (Zahrah 1997:96). The *Muhkam* is, in reality, nothing other than *Mufassar* with one difference, namely that *Muhkam* is not open to abrogation.

This order of priority applies only when the two conflicting texts both occur in the Quran. However, when a conflict arises between, say, the *Zahir* of the Quran and the *nash* of Hadith, the former would prevail. This may be illustrated by the ayah concerning guardianship in marriage: 'If he has divorced her, then she is not lawful to him until she marries (*hatta tankiha*) another man' (al-Baqarah, 2:229). This text is *Zahir* in respect of guardianship as its principal theme is divorce, not guardianship. From the Arabic form of the word '*tankiha*' in this text, the Hanafis have drawn the additional conclusion that an adult woman can contract her own marriage, without the guardian. However there is a Hadeeth which provides that 'there shall be no marriage without a guardian (*wali*). Abu Dawud, Sunan (Hasan's trans.), II, 555 Hadeeth no. 2078.] This Hadeeth is more specific on the point that a woman must be contracted in marriage by her guardian. Notwithstanding this, however, the

Zahir of the Qur'an is given priority, by the Hanafis at least, over the *nash* of the Hadith. The majority of ulama have, however, followed the ruling of the Hadith.

D. CONCLUSION

According to the scholars of ushul fiqh, *zahir al-dalalah* or also called *wadih al-dalalah* is a pronunciation that shows the firmness of the meaning that is clearly stated in the *lafaz* itself, not dependent on anything outside the letter. In other words, *zahir al-dalalah* is a *lafaz* whose meaning is indicated by the editor of the word, so to arrive at that meaning there is no need for any help outside of the word. Judging from the level of clearness of the *lafaz* in showing the intended meaning, then *zahir al-dalalah* is divided into four types, while the sequence of the four types of levels from the clearer then the clearer and so on increases to more clearly, are as follows: *al - zahir*, *al-nas*, *al-mufassar*, then *al-muhkam*. The clear *Lafaz* is a clear explanation of the designation of the intended meaning without requiring an explanation from the outside. *Lafaz*, whose meaning is clear, there are 2 opinions, the first is the opinion of the *jumhur ulama* or *mutakallimun*, explaining that the meaning of *Lafaz* is divided into 3 levels, namely *Nash*, *Zahir* and *Mujmal*. While other opinions, namely opinions from the hanafiyah. *Lafaz* which is clear according to Hanafi there are 4 kinds, namely *zahir*, *nash*, *mufassar* and *muhkam*

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