The Influence of The Fiqh School Paradigm in The Study of Hadith

Adi Abdullah Muslim[1], Arif Chasanul Muna [2]

[1][2]Universitas Islam Negeri (UIN) K.H. Abdurrahman Wahid Pekalongan, Indonesia
 Correspondence: adi.abdullah.muslim@uingusdur.ac.id

Abstract This paper is about the historical process of the formation of fiqh Madhdhab, which was followed by the paradigm of thought that began to occur between Ahl al-Hadith and Ahl al-Fiqh, where both have their positions on the development of knowledge in the classical period. After the first century of Hijri during Umawiyyah rule, several Western history writers have stated in various literatures that they wrote, that Ahl al-Hadith appear to be in opposition to the government. The position of the government at that time is closer to the Islamic jurists who is a maker and controllers of laws in the government. Looking at the practice of law-making that happened at that time, how were the relations between Ahl al-Hadith and Ahl al-Fiqh according to some experts? There are dialogues and several theories resulting from the dialectics, accompanied by criticism of the groups who abuse their closeness to the government to falsify hadith for the benefit of their groups, due to their fanaticism. This research uses descriptive-analytical-critical nature, through a sociological-historical approach.

Keywords: influence, paradigm, madhhabs, hadith, fiqh

Introduction

The existence of the Prophet Muhammad *(peace and blessings of Allaah be upon him)* as the last messenger[1] indicates that there will be no more renewal of the sharia to replace the old sharia given by God (Allah swt) to the previous prophets. The prophets hold two main foundations in giving their da'wah. First, improving the second creed, forming sharia and morals. The discussion of faith, the content of which will not change from the time the Prophet Adam (a.s.) was sent until the arrival of the last messenger of the Prophet Muhammad *Shallalla hu 'alaihi wa sallam*, which has one meaning, related to the Oneness of God and His holiness from all forms of resemblance to the attributes of creatures, faith on the Day of Resurrection, the Day of Reckoning and the problems of heaven and hell. As for the discussion of *shari'a*, this, as mentioned by al-Buthi (w 2013 AD) in his work *Fiqh al-Sirah* are the laws that govern the life of mankind personally and socially. The *Shari'ah* in the time of the previous prophets is different from the *Shari'a* that was revealed during the time of the Prophet Muhammad (peace be upon him). This is because the Sharia has the nature of development in the state of the times as well as the difference in the state of human beings in certain times. This principle is seen from the implementation of sharia as a form of human

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[1]According to the explanation in the Qur'an surah al-Ahzab: 40:

مَّا كَانَ مُحَمَّدٌ أَبَآ أَحَدٍ مِّن رِّجَالِكُمْ وَلَٰكِن رَّسُولَ ٱللَّهِ وَخَاتَمَ ٱلنَّبِيِّـۧنَ ۗ وَكَانَ ٱللَّهُ بِكُلِّ شَىْءٍ عَلِيمًا

"Muhammad was never the father of a man among you, but He was the Messenger of Allah and the cover of the prophets. and Allah is All-Knowing".

improvement in living life, both in the world and in life after death.[2] These two foundations have been carried out by the Prophet in the Makkah period and the Medina period.

When the Prophet died, the companions were faced with two important matters, which they did not get a solution from the Qur'an or the hadith technically. This condition was first faced by the Companions by resolving religious issues without being accompanied by the Prophet. *The first matter*, namely *amaliyah* worship, in the form of the management of the Prophet's body (bathing, shrouding, blaming, and burying), and the *second*, the political matter that occurred in the events in *Saqifah bani Sa'idah* to choose a leader as a caliph if it is worthy to continue the leadership of the Prophet (saw), which is the beginning of politics that is not guided by the Prophet himself.[3] Here it can be seen how before the death of the Prophet (peace be upon him), he did not appoint anyone to inherit his leadership, in fact, he only left two wills, but they were seen as so valuable to become a guide to the life of Muslims. This can show that of all forms of knowledge that have been inherited by the Prophet, the companions will be able to solve all forms of problems that they will carry after the death of the Prophet by being guided by the two wills.

Of the two relics of the Prophet, the hadith is a religious reference material that can be understood as the ijtihad of the companions after the Prophet died. Hadith has become an authoritative material to be studied in the Islamic world, some western scholars are interested in studying hadith through a familiar approach in the Western world through social science approaches such as sociology, anthropology, and history. The results of the research of Western scholars may be different from the conclusions produced by Eastern scholars, including Muslim scholars, due to differences in the methodology used in conducting research. Muslim scholars are tasked with responding to the conclusions produced by Western scholars, if there is a discrepancy with the ideology in Islam. In the study among Western scholars, there is a figure who researches the study of hadith with a historical-phenomenological approach to *sanad* and *matan* hadith, namely Ignaz Goldziher of Hungarian nationality.

As a legacy of the activities of the Prophet (saw) both from revelation, in the form of the Qur'an and the Prophet's words, behaviors, and decrees (*taqrir*) in the form of sunnah, according to Fazlur Rahman (1919-1988) became important and profitable, in that form, it became the initial guiding line for the community both from academics and the general public to know the early history of Islam. These two legacies can also be interpreted as fulfilling new factors for the community of *the Sunnah living community* towards its initial development (sunnah) with some concrete examples of the phenomenon that occurred at that time.[4]

Review of Theory and Research Methods

This research is different from Ahmad el-Shamsy who said that an act done by the followers of the madhhab in their capacity as *muqallids,* the disciples of the Imam of the madhhab get the influence of who and where they study, so they adopt all the opinions given by their teachers.[5] Meanwhile, Rifqi Muhammad Fathi, concluded that there was a fiqh hegemony in writing hadith

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[2] Said Ramadan al-Buthi, *Fiqh al-Sirah; Dirasat Manhajiyah 'ilmiyah li Sirat al-Mustafa'alaihi al-Salam wa al-Salam wa 'alahi wa-sallam' of Mabadi' of Ahkam*, (Damascus, Dar al-Fikr 1977), 23-24.

[3] Ibn Asir, *al-Kamil in al-Tarikh* (Beirut: Dar al-Kutub al-'ilmiyah, 1987), 2: 182-189.

[4] Fazlur Rahman, Social Change and Early Sunnah, Journal of Islamic Studies, Vol. II, No. 2, 1963, 205-216. Diakses 1 Agustus 2012, 23.38.

[5] Ahmad el-Shamsy, Rethinking Taqlid in Early Shafi'i School, Journal of the American Oriental Society, Vol. 128, No. 1, (Jan-Mar), 2008, 1-23. Diakses 26-03-2015. 06.03.

books.[6] Therefore, when speaking fiqh, a *mujtahid,* can be detached from *taqlid* as happened to Imam al-Shafi'i (*d. 204*) who studied with Imam Malik bin Anas (d. 179 AH), he is not bound by the opinion of Imam Malik as his teacher, even the position of Imam al-Shafi'i can reach the degree of mujtahid because he masters various disciplines.[7] This proves that the influence of the background where and to whom to study may exist, but the more mature the science, the more a scholar of science can make a scholar of science not fanatical about the school he has held since the beginning.

In the above presentation, the focus of this study is to examine the influence of the madhhab paradigm in the study of hadith. This research method is qualitative with the type of research using literature study (*library research*),[8] which is a series of activities that use the method of collecting library data, reading carefully, and recording and then processing research data.[9] Thus, it refers to several books and data of scientific works related to the discussion of research. Therefore, the source of data is obtained from various books that have been read. With this effort, it is hoped that it can provide valid and accurate knowledge and information. The main method used in this study is in the form of a descriptive-analytical method, a researcher tries to describe the problem being investigated by describing the situation objectively.

Paradigm in the Consistency of Fiqh Studies in Hadith

Islamic studies have attracted a lot of interest from scholars, both Muslim scholars and Western scholars to be studied because they have rich sources and history through works written by early generations, especially in the third-century to the ninth-century Hijri. It is as if Islamic studies have no end to reaching the endpoint as the material being researched. Researchers want to uncover historical facts that occurred in the Islamic world so that the results of the research carried out can contribute to science and the advancement of thinking in modern society. Meanwhile, in the eyes of contemporary scholars and Eastern researchers, it is important to study the sources of scientific treasures of the early Muslim generation, aiming to contextualize the scientific values of various aspects at that time in today's life. This will open the eyes of researchers that the study of Islam is one of the valuable historical heritages that is of high value. In the early generation of Islam, when the Prophet Muhammad *(peace and blessings of Allaah be upon him) was sent* as a Messenger through the command of God (Allah SWT), the point of his scientific development began to be seen with many of the Prophet's companions who studied religious messages by understanding them and actualizing them in social life at that time. The views of the community are open and they are starting to abandon the habits of the ignorant community.

The religious view brought by the Prophet Muhammad *Shallallahu 'alaihi wa sallam*, regulates the affairs of 'reality' in the form of facts of life, this discussion can enter the realm of Islam and the existence of the Humanities in *the Qur*'an.[10] Therefore, it can be understood that Islam has a

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[6] Rifqi Muhammad Fathi, Hadith in Hegemony of Fiqh: comparing Sahih Ibn Hibban with Sunan Ibn Majah", *Journal of al-Qur'an and Hadith Studies*, Vol. 1, no. 1, (2012), 145-179.

[7] Ahmad el-Shamsy, Rethinking Taqlid in Early Shafi'i School…………, 1-28.

[8] Muhammad Sabana and Sudrajat, *Fundamentals of Scientific Research*, (Bandung: Pustaka Setia, 2001),77

[9] Mestika Zed, *Literature Research Methods*, (Jakarta: Yayasan Obor Indonesia, 2004), 3

[10] According to Kuntowijoyo, there are three things in seeing reality and existence, first, the task is done by "Islamic demystification", second, seeing the reality of Islam through the veil (words, symbols, culture and community

contribution as a guideline for human life so it becomes a great attraction and concern for scholars to study more deeply about the content of its food and the actualization of values when understood with the current reality and context. Islamic studies do not experience difficulties, because the development of understanding is studied according to looking at the text and its context. From a good understanding, it will give rise to good religious attitudes and ways.

The way a person is religious has diversity, there is a way of a person who does not show his religious attitude to others, which may only be seen in the aspect of appearance. On the other hand, some have a religious way by describing themselves as people who are seen as religious people but do not understand religious values as they need to have as people who study and apply religion.[11] Practicing religion is a matter that starts from the inner relationship between humans and God (Allah), then applied by practice.[12] Therefore, when studying religious issues, it is necessary to be oriented to produce the truth and reveal the existing facts as they should be as a researcher should be. Assessing objectively is a goal that will be achieved by the researcher.

As a researcher in religious studies, Islam is the source of the Qur'an and hadith. However, hadith is a study that has been widely engaged in from the historical aspect by scholars, since the end of the first century and the beginning of the second century of Hijri. However, currently, hadith is the concern of Western scholars in researching historical aspects of knowing the existence and authenticity of the values taught by the Prophet. Because some Western scholars are skeptical, they are still studying the authenticity of hadith from the historical aspect. This is certainly different from the paradigm of Muslim scholars who have finished discussing the issue of the authenticity of the Prophet's hadith.

In Western studies, hadith is one of the opening conclusions to codify Islamic law. As echoed by Ignaz Goldziher (1921) a Western scholar, who wrote the book "Muhammedanische Studien". The study was continued by Joseph Schacht (1969), a figure whose thinking was greatly influenced by his teacher Igaz Goldziher. Joseph Schacht has a work entitled "The Origin of Muhammadan Jurisprudence". He has the results of his research by saying that Islamic law only began to emerge in the second century of Hijri by seeing the development of sanad starting after the first century of Hijri.[13] This conclusion is seen by several Eastern scholars including Azami, Abbott, Musthafa Siba'i, and Fuad Sezgin, even from a Western scholar named Harald Motzke who thinks that Schacht's conclusion is invalid. They put forward in some of their writings, with the conclusion about the hadith of the Prophet, the hadith has begun to be written since the Prophet was still alive in the first century of Hijri, then said that the collection of hadith carried out by the Companions was an unofficial documentation, namely the personal documentation of several Companions, then officially codified in the third century of Hijri.[14]

Various forms of compilation of most of the Prophet's hadith in an orderly manner began to be collected until the compilation of the hadith book which became an authoritative source in

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approval), third, acknowledging the existence of human factors, by making the construction of human experience into science. See Kuntowijoyo, Islam as a Science (Yogyakarta: Tiara Kencana, 2006), 1.

[11] Mahmoud Hamdi Zakzuk, *Al-Din Li al-Hayyah* (Cairo: al-Hai'ah al-Misriyah al-'a<mah li al-Kitab, 2010), 23.

[12] Mahmoud Hamdi Zakzuk, *Al-Din Li al-Hayyah* (Cairo: al-Hai'ah al-Misriyah al-'a<mah li al-Kitab, 2010), 25.

[13] Joseph Schacht, *The Origin of Muhammadan Jurisprudence* (London: Oxford University Press, 1979), 5.

[14] M. M. Azami, *Studies in Early Hadith Literature: with a Critical Edition of Some Early Texts* (,1968); Nabia Abbott, *Studies in Arabic Literary Papyri II: Qur'anic and Tradition* (Chicago: The University of Chicago Press, 1976), Kamaruddin Amin, Menguji Kembali Keakuratan Metode Kritik Hadis (Jakarta: Hikmah, 2009), 4.

the search for hadith which was later known as *Al-Sittah Pole. Pole of al-sittah* It is even added to the next three books of hadith so that it becomes the *Al-Diah knife.* Those who have contributed to writing these great works are Imam al-Bukhari (w 256 H) with his work "*al-Jami' al-Sahih*" or more popularly known by the book name "Sahih al-Bukhari", Imam Muslim (w 261 H) by al-Jami Sahih, Imam al-Tirmidhi (w 279 H) with his work "al-Jami' al-Kabir" or better known as "Sunan al-Imam al-Tirmidhi", Imam al-Nasa"i (d. 303 AH) with his book *Sunan al-Nasai*, Imam Abu Daud (d. 275 H) his book "Sunan Abi Daud", Imam Ibn Majah (d. 273 H) is his book "Sunan Ibn Majah". In addition, three hadith books are the work of Imam Malik bin Anas (d. 179 H) with his work "al-Muwatta", the work of Imam Ahmad bin Hanbal (d. 241 H) his *Musnad* book "Musnad al-Imam Ahmad bin Hanbal" and the work of Imam al-Darimi (d. 255 H) with the book "Sunan al-Darimi".

Of the nine hadith books, the Imam Muslim figure is one of all who compiled the genealogy of teachers and students and grouped the generation of *tabi'in* to *atba' al-tabi'in* from the senior *tabi'in* figure named 'Urwah ibn Zubair, part of one of the *mutaqadimin* scholars, with his work entitled *Rijal 'Urwah.* The book was compiled by Imam Muslim, which became the initial foundation in the development of studies on the science of hadith narration for the 3rd and 4th century Hijri generations.[15] This is proof that the early generations of Islam in maintaining the quality of narration were seen as something important. The early generation of scholars played a role in building the foundation of thinking, especially in the study of hadith, maintaining the originality of the study of hadith by paying attention to the narration path commonly called *rijal al-hadith,* so that the narration path from teacher to student in hadith is called sanad study.

The works in the narration of the hadith that still exist today are, the book "al-Risa>lah" by Imam al-Shafi'i (w 204 H) discusses the hadiths of ahkam, then there is the book "al-Muhaddith al-Fasil baina al-Rawi wa al-Wa'i" by Shaikh al-Ramahurmuzi (w 350 H), the books "Ma'rifah 'Ulum al-Hadith" and "al-Madkhal ila Ma'rifah al-Iklil" written by al-Imam al-Hakim al-Naisaburi (w 403 H), by al-Khatib al-Baghda di (w 463 H) one of them is "al-Kifayah fi 'Ilm al-Riwayah", "al-Ilma' ila Ma'rifah Usul al-Riwayah wa Taqyid al-Sama" compiled by al-Qadhi 'Iyadh (w 544 H). The writing of hadith works was continued by Imam Ibn Shalah (d. 643 H) with his work "Muqaddimah Ibn al-Salah", compiled through materials that had been written by previous hadith scholars. Then there were hadith scholars from the *muta'akhkhirin generation,* compiling hadith books, some of the scholars were Imam al-Nawawi (d. 676 H), Imam Ibn Hajar al-'Asqalani (d. 852 H), Imam Ibn Daqiq al-'id (d. 702 H) and Imam Jalaluddin al-Suyuti (d. 911 H). These generations became the baton connectors of the scholars in compiling their hadith and scientific works.[16]

The Dialectic of the Historicity of the Classical Fiqh School

The Qur'an and the Sunnah are heritage texts that need to be preserved and understood comprehensively. Then concerning the event of the funeral arrangements and the election of leaders, it is at least the starting point of the ijtihad of the companions in understanding the text to make decisions and resolve religious matters without being accompanied by the Prophet

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[15] Musthafa Muhammad Abu 'Imarah, *Adwa ' ala al-Madaris al-Hadithiyyah: al-Nas'ah wa al-Tat'awwur* (Kairo: Maktabah al-Iman, 2010), 224.

[16] Kamaruddin Amin, Re-examining the Accuracy of the Hadith Criticism Method (Jakarta: Hikmah, 2009), 15-16.

Muhammad (saw). According to the view of Muhammad Abu Zahrah (1898-1974) ijtihad has occurred since the time of the Prophet Muhammad (saw), at the time of the dispatch of Muadz bin Jabal (w 17/18 H) to Yemen in carrying out his duties as a governor[17], then ijtihad in the time of the companions, the fiqh of *the tabi'in* era and the fiqh of the period a *tba'u al-tabi'in* (the *mujtahid* imams), [18] It is in this last period that several schools of fiqh from several classical Muslim scholars began to emerge in the development of understanding of the books and hadiths of the Prophet (saw).

With *ijtihad*, a Western scholar named Joseph Schacht (1902-1969) thinks that there are differences and typical as the group of *specialists grew* [19] (*shaleh* specialists) increases, especially in the first decade of the 2nd century AH, which then makes the difference between several schools of law, which is caused by geographical factors, both difficulties in communicating due to the location of distant areas, diversity of local social conditions, customary laws, customs, and practices so that the differences that arise are not caused by disagreements about principles and methods.[20]

In line with this argument, Musthafa Sa'id al-Khin said, that after the death of 'Umar bin Khattab, the Companions went to various regions, making it difficult for the Caliph to gather their leaders when they were faced with a problem that was not found in the Qur'an or the Sunnah, thus making the Companions give fatwas to the people on the problems they faced. As a result, there was a difference of opinion among them. Among the causes of differences of opinion in this period are due to the following points; 1) The difference in their knowledge of the Sunnah; 2) The absence of *qath'iy al-dilalah*; 3) Differences in the environment and benefits.[21]

Meanwhile, Harald Motzke thinks that in general, the tradition of their companions and successors, who also indirectly have the status of disciples of the Prophet (peace be upon him) wherever they are, is a sunnah that follows tradition. This, in turn, makes it possible to judge that the discovery of the law from the tradition of the Companions is a little more authentic than what comes from the Prophet, which is general and absolute. The authentic traditions of the Prophet and his companions can certainly be detected. The theory that was originally a '*living tradition*'[22] receded when the followers projected it to the Prophet to build something that had been maintained, and of course, there were many projections of opinions to the Prophet and his companions. However, this is a phenomenon that occurs a bit late rather than the way the common tradition originated.[23] As a form of accuracy in resolving legal cases related to *Sharia*, this is one of the appointments of the Prophet (saw) as the second source of law in Islam.

At the time of the Prophet (saw), *ijtihad* did not have a large place for the companions to do, at that time the position of revelation that descended from the sky was stronger in its legal

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[17]Abu   Daud, Sunan Abi Daud, bab, Ijtihad al-Ra'y fi al-Qada, no. 3592, Ta'liq Izzat 'Ubaid Da'ash dan 'Adil Sayyid (Beirut: Dar Ibn Hazm 1997), 2; 15.

[18] Muhammad Abu Zahrah, *Tarikh al-Maz,aal al-Islayah fi al-Siyaid wa Ta'aqaid al-Mazaal-Islamiyah* (Egypt: Dar al-Fikr al-'Arabi 1996), 225.

[19] The term used by Joseph Schacht for classical scholars, see *An Introduction to Islamic Law* (New York: Oxfort University Press 1982), 28.

[20] Joseph Schacht, *An Introduction Islamic Law* (New York: Oxfort University Press 1982), 28.

[21] Musthafa Sa'id al-Khin, *Abhath haula 'Ilm Usul al-Fiqh: Tarikhuhu wa Tatawwuruhu* (Damaskus: Da>r al-Kalim al-Thayyib 2000), 51-52.

[22] *Living tradition* is the 'prophetic tradition' that existed in the lives of the Companions and senior ta>bi'in, before the 'prophetic tradition' was written. This term was used by Fazlur Rahman in naming the hadith from the Prophet (peace be upon him).

[23] Harald Motzke, *the origin of Islamic Jurisprudene; Meccah Fiqh before the Classical schools*; translated from the German by Marion H Katz (Leiden; Boston; Koln: Brill 2002), 296.

foundation than that of the companions. Therefore, the development of the codification of fiqh during the time of the Companions has not yet developed but instead began to show signs of the formation of the fiqh school in *the period of tabi'in* and the mujtahid imams. With the existence of several *al-madaris al-fiqhiyyah* during the *tabi'in* period so that the disciples of the graduates of madrassas that had been built by the predecessors in *the tabi'in* period began to spread, then it was the beginning of the formation of *mazahib al-fiqhiyyah* in the *period of imam mujtahid* (*tabi'u al-tabi'in*).[24] Many of the companions had disciples who were scattered to the area of Iraq, he was Abdullah ibn Mas'ud while many of them were in Medina were the disciples of the companions of Abdullah ibn 'Umar, his father al-Faruq, Zaid ibn Thabit and others.[25] However, Kufa scholars want to attribute the doctrines of the sect to Ibrahim al-Nakha'i, although in fact, the body of the elementary doctrine of law is somewhat authentic from Ibrahim al-Nakha'i, even the doctrine of Kufa scholars somewhat reflects the official teachings that developed during the time of Hammad Ibn Abi Sulaiman[26] (d. 120 AH). Meanwhile, the scholars of Medina also tended to project their teachings to several authoritative classical scholars which ended in the early period of the 2nd century Islam.[27]

Meanwhile, in the *tabi'in* period, several groupings began to emerge in the name of new schools, both those leaning towards theology and jurisprudence, led by the originators of each of these schools. In addition, among the causes of the emergence of several schools, especially those that are more tied to theological schools, is due to the existence of political elements hidden in the problem. For the school of jurisprudence, it is more due to the codification and preparation of several legal methods, so that some issues related to religion have been standardized. However, some things still need to be considered by still referring to the source of Islamic teachings.

During the *tabi'in* period, this was the emergence of several schools, at that time the spread of *manhaj* in several new schools was also spreading. This caused a strong wind of strife among Muslims so it was easy for them to throw words such as wicked, infidels, and immoral actors, as an attack among these groups. The Muslim sects at that time were divided into three theological groups, *Khawarij*, *Shi'ah*, and *ahl al-Sunnah wa al-Jama'ah*. Some of those who lived with the group felt traumatized by the dispute between them, thus making the mood of the community uncomfortable. Even though what they want to avoid is mutual slander, the solution to unification has not been overcome. Among the three schools, *khawarij* is a school that has several other groups, including *Azariqah*, *ibadiyah*, *Najdat*, and other names. Meanwhile, *Shi'ah* also has several other groups, among which there are groups whose basic opinions are not in line with Islamic teachings. This is a concern that it will mix up the teachings of the *fanatical Shiah* on Ali bin Abi Talib, thus

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[24] Muhammad Abu Zahrah, *Tarikh al-Mazahib al-Islayah fi al-Siyasah wa al-Sa'aqaid wa Tarikh al-Mazahib al-Islamiyah* (Egypt: Dar al-Fikr al-'Arabi 1996), 256.

[25] Muhammad Abu Zahrah, *Tarikh al-Mazahib al-Islamiyah fi al-Siyasah wa al-Siyaid wa Ta'a'akh al-Mazahib al-Islamiyah* (Dar al-Fikr al-'Arabi 1996), 246.

[26] Hammad Ibn Abi Sulaiman was Abu Ismail ibn Muslim al-Kufi, a follower of Ash'ariyin, from Asbahan. A jurist of the first Kufa to be considered that his doctrine could be considered completely authentic. See al-Imam al-Shamsuddin Muhammad Ahmad ibn Uthman al-Dzahabi, *Siyar A'lam al-Nubala'* , tahqiq Shu'aib al-Arna'ut, (Beirut: Muassasah al-Risalah, 1982), 5; 231.

[27] Di antara money ulama classic yang disebut sebagai tujuh ahli government Madinah adalah; Sad Ibn al-Musayyab, 'Urwah Ibn al-Zubayr, Abu Bakr Ibn 'Ubayd Ibn Harith, 'Ubayd Allah Ibn 'Abd Alla Ibn 'Utbah Ibn Masd, Kharijah Ibn Zaid Ibn Thabit, Solomann Ibn Yasar from Qasim Ibn Muhammad Ibn Abi Bakr. *Muhammad Abu Zahrah, Tarikh al Mazahib al-Islamiyah fi al-Siyasah wa al-'aqaid wa Takh al-Mazahib al-Islamiyah (Kairo: Dar al-Fikr al-'Arabi 1996), 254-255;* Joseph Schacht, *An Introduction Islamic Law* (New York: Oxfort University Press 1982), 31st.

damaging the religious foundation of the Prophet by incorporating the political doctrine that they carry. However, what is a striking difference between *Shi'a* and *Sunni* supporters is their doctrine towards *the Shi'ah Imamiyyah* and their perception of the Prophet's companions.[28]

It has been written by several historical writers, both from the East and West, have stated that the formation of several groups in the name of the followers of the generation of companions, was the initial impact of differences in understanding so that Muslims after the life of the Prophet were divided into various theological schools based on political disputes. The Prophet (saw) has provided comprehensive education to the generation of friends until the character of state leaders, diplomats, scientists, experts in war strategy, and others is formed. This is the result of the unity of opinion in various life problems experienced by the Companions, especially during the two periods of the Prophet both in Makkah and in Medina. At the time of the Prophet Muhammad (saw) as a source to provide concrete solutions to every problem faced by Muslims. Therefore, it can be seen that what is to be avoided by the Islamic government after the death of the Prophet (saw), from the time of *Khulafa' al-Rashidin* to the time of the Dynasty is a life colored by conflict. So the position of the government at that time influenced the important position of Islamic civilization in the future. The position of having a policy in making every decision can ultimately be assumed that the opinion taken is the defense of a certain group for the government's opposition.[29]

Therefore, according to Joseph Shacht, the emergence of Islamic law began with the appointment of a *qadi* by the government in office at that time. *The Qadi* who is raised is a scholar who understands the meaning contained in the Qur'an, which is not only enough to rely on one source but also to rely on the Sunnah. A *qadi* at that time was considered to use ra*'y* too much, in taking the law.[30] Then several parties became opposed to the government, because they wanted to maintain the value of the purity of the text, especially concerning the hadith of the Prophet. This opposition is carried out by the hadith scholars (*muhaddithun*), so that the sunnah is not ruled out because the *qadi* prefers to use his *ra'y*.

So, during the reign of the Umayyad caliph Umar bin Abdul 'Aziz (99-101/717-720), an alternative emerged to encourage hadith experts to codify the hadith of the Prophet. This has begun to be done to maintain the purity of the two legal sources so that they are not contaminated with political disputes, it is feared that they will set aside the hadith. The step taken by the caliph 'Umar bin 'Abdul 'Aziz was to maintain the purity of the sunnah values of the Prophet Muhammad (saw). However, what was done by the government at that time, was one of the supports to protect the hadith from destruction, and the beginning of the feud between the hadith expert and the jurist who had received attention from the government first. The feud continued until the time of the 'Abbasid Dynasty and reached its peak during the time of Imam al-Shafi'i (d. 204 AH) who became the victor over the traditionalists.[31]

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[28] Abdullah Saeed, Islamic Thought: *And Introduction*, edited by Sahiron Syamsudin & M. Nur Prabowo. (Yogyakarta, Baitul Hikmah Press 2014), 47.

[29] M. Dede Radliyana, Hegemony of Fiqh on the Writing of the Book of Hadith (Journal of Qur'an and Hadith Studies, 2011), Vol. I. No. 1, 2011, 119-144.

[30] According to Fazlur Rahman's view, the efforts of both parties have a basis for fighting for the law and its stability. However, legal experts emphasize more on the desire to create legal materials, while hadith experts want to create a proper methodology so as to provide stable and consistent legal materials. See Fazlur Rahman, *Islamic Metodhology in History* (Islamabad: Islamic Research Institute, 1995), 44-47.

[31] Joseph Schacht, *An Introduction Islamic Law* (New York: Oxfort University Press 1982), 31-32; Muhammad Faruq al-Nabhani, *al-Madkhal li al-Tashri' al-Islami*, (……………), 150-151.

The Influence of the Fiqh School on the Study of Hadith

A person's background can have an influence on a person's condition in assessing something. Just as it happens to a Muslim who has a religious background when he wants to study related to the study of Islam, the doctrine that has been embedded in a Muslim influence everything he understands. However, what happens when the study discussed is hadith, one of the disciplines in Islam that is the second source of teachings after the Qur'an, while the person who studies it is a hadith figure who has a madhhab background from one of the four famous schools. How a madhhab scholar interprets the understanding that has been learned, on the other hand, holding a madhhab is also a part taken in carrying out every religious activity.

The differences of opinion that occur in classical scholars have occurred from the point of view of their respective schools. Differences have been recorded by history as to how the traits highlighted by fellow scholars, who have different views, both in the form of methods and opinions so that they can argue with a good corridor do not concern matters that are still qat'i, without violating the line of faith and halal and haram laws.

Imam al-Dzahabi wrote the words of Imam al-Shafi'i in his biography in the book *Siyar 'Alam al-Nubala'* about Abu Musa (d. 170-264 AH)[32] who then said, 'O Abu Musa, is it not a straight brotherly relationship if we disagree on a matter?' according to Imam al-Dzahabi, the words of Imam al-Shafi'i show the intelligence of an Imam and his faithfulness in seeing scholars disagree.[33] This is one of the proofs that shows the openness of a scholar who founded the school to prioritize unity and brotherly relations by rejecting disputes that can lead to division.

A different attitude was taken by Nashr Hamid in his book *al-Nass, al-Sultah wa al-Haqi>qah*, he conveyed the relationship between a person's background and the object of study. He sees that past studies have authority as an inseparable basis in providing understanding and interpretation so that the fruits of the resulting knowledge cannot be left alone regardless of the scientific background, they are engaged in.[34] The hum from Nashr Hamid is a study related to *truth* owned by Muslims that needs to be preserved and used in the text so that the original historical value is maintained.

In understanding texts, Fazlur Rahman argues that intellectual effort means an effort to understand the meaning of past texts, which have rules, where expanding the meaning can limit or codify it to produce something new. The implications of this express the meaning of a text in the past, the current situation, and the tradition that leads objectively that the tradition can carry an assessment of the normative meaning of the past in which the tradition appeared.[35]

A different view was expressed by Abu Sa'adat Majd al-Din Ibn Athir (606 H) by saying in his book *Jami' al-Usul fi Ahadith al-Rasul,* that the last book in the arrangement of the poles of al-sittah is al-Muwattha' by Imam Malik, due to the status of Imam Malik who is considered more

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[32] Abu Musa was Imam al-Hafidz Abu Musa Yunus ibn 'Abd al-A'la al-S{adafi al-Masri, one of the companions of Imam al-Shafi'i.

[33] 'Abd Fattah Abu Ghuddah, *Namadzij min Rasail al-Aimmah al-Salaf wa Adabuhum al-'Ilmy*, (Beirut: Dar al-Bashair al-Islamiyah, 1996), 43.

[34] Nashr Hamid Abu Zayd, *al-Nash, al-Sultah wa al-Haqiqah: al-Fikr al-Diny baina Iradat al-Ma'rifah wa Iradat al-Haimanah*, (Beirut: al-Markaz al-Thaqafi al-'Arabi, 1995), 18.

[35] Fazlur Rahman, Islam and Modernity on Intellectual Transformation translated by Ahsin Muhammad from the book *Islam and Modernity*, *Transformation of an Intellectual Tradition*, (Bandung: Pustaka, 1985), 9.

senior.[36] Meanwhile, Imam Ibn Shalah even had another opinion by saying that there are only five authoritative hadith books, with the name *of the pole of al-khamsah*.[37] Looking at some different views from some scholars about the authoritative book of hadith among Sunni Muslims, this can be an interesting study in the science of hadith with the provision of standards by scholars in providing conditions, such as what criteria are included in the book of hadith that are worthy of reference and how the classical scholars study it comprehensively. So nowadays the study that is developed is in the form of looking at the validity of hadith and the application of matan hadith. It is necessary to pay attention to the researchers in this study, and how the concepts and methodologies are used so that they can all develop the concept of interpretation in hadith science by studying several modern studies. Finally, the study of hadith is not seen as a study that only focuses on the study of the past.

This concept is also echoed by Nashr Hamid Abu Zayd to return to *tura>th* with the concept that was built so that he gave the assumption that one's background cannot be just let go. Nashr Hamid tried to understand the text by using a new methodology in which hermeneutics was used as his analytical knife, as he also used in his book "Mafhu>m al-Nash; Dirasah fi 'Ulum al-Qur'an". What he meant in his study was to return to the text. The importance of returning to the text shows that a person will not be separated from subjectivity and background when performing *ta'wil*, interpreting, or *sharh*. He again argued that religious texts will always be related to the historical context, so when understanding the text, it is impossible to leave aside the historical context in which the text appears or with whom the text interacts.[38] as conveyed by Nashr Hamid in his book "*al-Nass, al-Sultan, al-Haqiqah: al-Fikr al-Dini Baina Iradah al-Ma'rifah, wa iradah al-Haimanah*."

Conclusion

The development of hadith studies began from the condition of the companions living unassisted by the Prophet (peace be upon him). This is the beginning of the ijtihad of the companions independently. From that stage, the ijtihad of the scholars towards the meaning of the hadith has developed. The meaning of hadith gives rise to understanding in forming madhhab through the ijtihad of scholars. This period occurred after the period of the Companions, namely during the *tabi'in* period with the emergence of several imams of the fiqh school forming a *madhhab* paradigm, although, there were also several theological schools. The emergence of madhhab was due to the factor of the movement of companions to several regions around Arabia. This school is the fruit of the ijtihad of the *tabi'in* in understanding the nash of the Qur'an and hadith to form a paradigm in the school of jurisprudence.

The study of hadith is one of the classic studies owned by Muslims, which needs to be studied in depth, especially for hadith study activists. On the other hand, there are still many studies that Muslims have regarding classical studies so that they are not abandoned in pursuing them in their entirety. Thus, it can be said that *the turats* that existed in the past are a historical achievement,

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[36] Ibn Athir al-Jazari, *Jami' al-Usul fi Ahadith al-Rasul*, tahqiq 'Abd al-Qadir al-Arna'ut, (Mutabah al-Hilwa; Sahih Al-A'ibah; Al-Bayan, 1972

[37] Rifqi Muhammad Fatkhi, The Domination of the Fiqh Paradigm in the Narration and Codification of Hadith, Journal of Qur'an and Hadith Studies, Vol. I, No. 1, 2011, 145-179; for more details see Ibn Shalah al-Sharazuri, Muqaddimah Ibn Shalah fi 'Ulum al-Hadith, (Beirut: Dar al-Kutub al-'Ilmiyah, 1995), 37-38.

[38] Nashr Hamid Abu Zayd, *al-Nas, al-Sultan, al-Haqiqah: al-Fikr al-Dini Baina Iradah al-Ma'rifah, wa iradah al-Haimanah*, (Beirut: al-Markaz al-Thaqafi al-'Arabi, 1995).

while *hadathah* is a historical reality that is now developing. With a history that is full of classical wealth, we should not only stay silent and proud of the achievements that have passed, as an activist of hadith studies, we will automatically also come into contact with historical studies, where the two studies have a very close relationship. But do historians and hadiths have a common ground in giving conclusions about the historical achievements that have been experienced by Muslims in the past?[39] This question is a stepping stone to see how the history of the relationship between the two experts in their respective fields, to the researchers who try to look at the history of the development of Muslims from the early generation to the contemporary with different approaches.

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[39] Fuad Jabali in giving a lecture during the proposal exam for postgraduate students of UIN Syarif Hidayatullah said that between hadith scholars and history scholars have different perspectives in looking at the context of events.

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