

## **The Method of Stenobath Law in Lenah Baths Musial (LBM) Dayan MUDI Mesa Salamanca Aceh, Indonesia**

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**Abstract:** Every istinbath in Shari'a should stand on the Qur'an and as-Sunnah. The Qur'an is the first and foremost source of Islamic doctrine and law. In addition, the main purpose of the Qur'an is derived as a guide for man and the main grip in carrying out his functions as a servant as well as a khalifah of Allah on earth. In relation to the position and function of the Qur'an mentioned above, the Qur'an must be understood and implemented in the life of Muslims in various contexts, both worship and muamalah. The istinbath method used by LBM in Dayah Mudi Mesra Samalanga Aceh is the first source of the Qur'an and the main teachings in Islamic law. In addition, the main purpose of the Qur'an is derived as a guide for man and the main grip in carrying out his functions as a servant as well as a khalifah of Allah on earth.

**Keywords:** Al Qu'ran; Istinbath; Islamic law; Moslem

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### **I. INTRODUCTION**

Method is a necessity in reaching the output of law which has a value of universal value revealed as one of the most important element in a scientific pros, after the output data then the method should not be ruled out in the discussion. Because the wrong method will lead to erroneous output. The legal products that have been supposed to calm the public are often troubling and cause endless pros and cons. According to Hasbiyallah, the term "istinbath" in term is the effort to draw the law from al-Qur'an and as-Sunnah by way of ijtihad. By broadly speaking, istinbath method is divided into three parts, namely terms of language, terms of maqasid (goal) of sharia, and facet of settling several contradictory propositions. Every istinbath in Shari'a should stand on the Qur'an and as-Sunnah. Therefore, the arguments of syara 'there are two kinds, namely nash and ghairun nash (not nash). And the propositions that do not fall into the category of texts such as qiyas and istihsan, are essentially excavated, sourced and guided by the texts. In addition, it is fitting that a jurist (faqih) knows the process by means of legal excavation (thuruq al-istinbath) nash. The Qur'an revealed to the Prophet Muhammad includes several laws of creed and shari'a and the benefit of the world and the hereafter. The Companions sought to understand their texts and unearth some laws of the events they found and apply them in life, including mu'amalah, worship and jinayah. When they have difficulties in understanding a problem, unable to understand the Qur'anic texts, they ask the Prophet Muhammad then He shows them what is desired of the verse and shows something true. Rasulullah did not leave them long, the Messenger of Allah is a human being who also experienced death. "Behold, I am a mortal like unto you, which is revealed to me". (al-kahf: 110) When the Messenger of Allah died, the next generation of friends experienced problems that required them to seek the correct legal answer. The first time they did was to rise up to extract the laws of the Qur'an and al-Sunnah and then consecrate their reasoning abilities to spark the general rules of the Qur'an and al-hadith, as taught by the Messenger of Allah life. Today I have perfected your religion for you, and I have made you a favor, and I have accepted Islam to be a religion for you. (al-Maidah: 3)

Istinbat is derived from the word "nabt" which means: "the first water gushed out of the dug well". Thus, according to language, the meaning of istinbat is "to take something out of hiding". Once used as a term in the study of Islamic law, the meaning of istinbat becomes "an effort to remove the law from its source". The meaning of this term is similar to ijtihad. The focus of istinbat is the sacred text of the verses of the Qur'an and the traditions of the Prophet. Therefore, the understanding, excavation, and legal formulation of these two sources are called istinbat. The efforts of istinbat will not produce sufficient results, without the right approach. Of course this approach is related to the source of the law. According to 'Ali Hasaballah, as quoted by Nasrun

Rusli, 53 there are two ways of approach developed by experts in doing istinbat, namely through the rules of the philosophy and through the introduction of Shari'a intent.

Instinbāth is a rule in the fiqh suggestion. The terminology of instinbāth comes from the Arabic word "استاذ بط - ي س تاذ بط - اس تاذ بط" which means issuing, giving birth, digging and others. The basic word is "الماء" (الماء) ذ بوطا ذ بطا ي ذ بط ذ بط" means the rising water coming out of the soil, according to the language of instinbāth's meaning is the issue of removing something from its hidden hiding place. The devinition of ijthihad according to the term ulama of jurisprudence there are many diversity with the editorial that add up. However, according to the writer's opinion, although with the redaction of the editor but does not show substantial differences, some of the devises are:

استخراج المعانى من النصوص بفرط الذهن وقوة القريحة

"Unleashes the meanings of the texts (which are contained) by spilling the instinctive mind and ability (potential)".

## II. METHOD OF THE RESEARCH

### 2.1 Types of Research

Research is a systematic inquiry, with the emphasis that this search is done on the problems that can be solved. Research is a controlled or directional transformation of a known situation in the realities that exist in it and its relationships, such as changing elements from the original situation into a unified whole Researchers conducted this research using phenomenological and sociological approach. Phenomenological approach of researchers do by looking at various phenomena-laws related to social and religious. This research is a qualitative field research and library research (Library Research). Qualitative research is a research that describes and describes the results of research objectively to the circumstances and characteristics of the perpetrators encountered in the field to be described and analyzed phenomena, events, activities, social, attitudes, beliefs, perceptions, thoughts of individuals individually or in groups. The term qualitative research by Kirk and Muller originally stemmed from qualitative observations. Characteristics of qualitative research lies in the object of research focus. The emphasis on quality in terms of scientific because it involves understanding, concepts, values and characteristics inherent in other research objects. It can also be said that qualitative research can be interpreted as a study that does not perform calculations in performing epistymological justification.

### 2.2 Research Sites

This research was conducted with Ulama leaders involved in LBM and Ulama Akademisi own in MUDI Mesra. This research will be done at least for 3 months until finished or adjusted with the schedule set

### 2.3 Subjects and Research Objects

Research subjects were the structure of Lajnah Bahtsul Masail and the dayah scholars.as follow:

- a. Chairman of LBM (Lajnah Bahtsul Masail)
- b. Ulama Dayah
- c. Legal Istinbath documents

As the object of research is Lajnah Bahtsul Masail Mudi Mesra Samalanga.

### 2.4 Data Collection Stage

Data collection techniques are done in several ways, namely: in-depth interview (indefth interview); observation; and document studies.

### 2.5 Data Analysis Phase

Data were analyzed qualitatively with grounded theory approach. According to Miles and Huberman, qualitative data analysis can be done with 3 stages: (1) data reduction, (2) data presentation, (3) drawing conclusion or verification, where these three components are interrelated in determining the final result of the analysis. Data reduction is done by selecting and simplifying the data.

## III. DISCUSSION

### 3.1 Istinbath Method Used by LBM at Dayah Mudi Mesra Samalanga Aceh

In interpreting the verses of the Qur'an we can not interpret by reason alone, because the Qur'an is a revelation revealed to Prophet Muhammad SAW, a guide for man in the life of the world and the hereafter. Prophet Muhammad was the first person assigned by Allah to explain the vision and mission of Qur'anic verses and Allah says QS. An-Nahl: 44. Meaning: Explanations (miracles) and books. And we sent down to you the Qur'an, that you may explain to mankind what has been revealed to them and that they may think. (Surat an-

Nahl (16): 44). In another verse Allah also says Surah An-Nahl: 64. It means: And we do not descend upon this Book but to let you explain to them what they are disputing and to be a guide and a mercy to the believers. (Surat an-Nahl (16): 64). So therefore we must base the interpretation of the Qur'an to the hadiths of the Prophet Muhammad. Especially the reasons for the decline of the verses. Only then did the remarks and opinions of the Companions of the Prophets and their explanations of the intentions of those verses correspond to what the Prophet (s) said and preached. Then it is then reviewed in addition to that the interpreters in interpreting a verse should also pay attention to other verses that are closely related to interpreted verses. Because it is thus increasingly clear the meaning and meaning of the interpreted verse. Some of the major and important issues are such as common problems and worship, the unseen nature and the real world, civil and criminal law, social society, history and stories. Each of these points of matter has been forked and branches and each branch and twig has become a separate science. Lajnah Bahtsul Masail literally means the discussion of various problems that serve as the official forum to discuss religious matters especially fiqh, including the issues of khilafiyah (controversial) because the answer may differ.

One of the features of the Qur'an that is immaterial, logical again can be proved over time is the munasabah Qur'an, which is related to the contents of the Qur'an. This munasabah Qur'anic problem is discussed by knowing the meaning first and then proceed with the forms of munasabah Al quran. The word munasabah comes from the word "Customer" which means approaching. Munasabah language also means also brothers, that is adjacent because of the relationship. In the discussion qiyas munasabah is defined by the suitability of illat, that is the nature adjacent to the law, because if obtained with the proximity through the allegations of the nature, it will be obtained law. Ulema Ushul Fiqh scholars argue that the hadith is the sayings and decrees of the Prophet (s) related to the law. The task of LBM: collect, discuss and solve problems that require legal certainty. Discussion forum of religious scholars in establishing the law of a problem. The NU scholars say Bahtsul Masail is a form of qiyas. Qiyas is done so far not contrary to the Qur'an and Sunnah. Example: Problems using wigs and facial skin QS. Al-Baqarah (2): 121. means: "The people whom we have given the Book to them they read it with true reading, they believe in it, and whoever denies it, they are the losers." (Surah Al-Baqarah (2): 121). QS. Ali Imran (3): 7. This means: "He is the One who sent down the Book of the Qur'an to you, among which there are verses that are muhkamat, that the main points of the Qur'an and others (verses) mutasyabihat. his heart is bent on error, so they follow some verses which are mutually seen from him to cause slander to search for ta'wilnya, whereas no one knows ta'wilnya but Allah, and the people who deep knowledge say: "We believe in the verses which are mutasyabihat, they are from the side of our Lord. "And cannot take lessons (from them) but people of understanding." (Surah Ali Imran (3): 7).

Asma bint Abi Bakar ra. explained:

اتت انبى صلاالله عليه وسلم امرأة، فقالت: يا رسول الله، إن لى ابنة عريسا، وإنه اصابتها حصبة، فتمرق شعرها، افاصله؟ فقال النبى صلاالله عليه وسلم لعن الله الواصلة والمستوصلة.

Meaning: "A woman came to the Prophet (s), then said:" O Messenger of Allah, indeed I have a newly married daughter. And he was exposed to the disease of boils that grew on his body, causing his hair to fall. Can I connect her hair? Then the Prophet (peace be upon him) said: "Allah cursed the woman who connects the hair and the one who asks in her hair". (Narrated by Al-Bukhari and Muslim). Narrated by Al-Bukhari and Muslim. And there is another hadith with this meaning which is also agreed by Al-Bukhari and Muslim of the hadith 'Aisha. This hadeeth says that the Prophet does not justify a woman connecting her hair with the hair of another woman.

Ibn Umar ra explained:

ان انبى صلاالله عليه وسلم لعن الواصلة والمستوصلة، والواشمة والمستوشمة.

Meaning: "The Prophet (s) said:" It has been condemned by women who connect one woman's hair to another woman, so that becomes a lot. And the woman who asked for her hair to be joined, and the women who poked the needle in the hand (palm) or on the lips, then inserted into the punctured hole the wool and so on in order to be green, so did the woman who requested that such be made "(Narrated by Al-Bukhari and Muslim). Declare, that the Prophet SAW cursed women washilah, mustaushilah, wasyimah and mustausyimah. Washilah, is: women who connect a woman's hair with another woman. Mustaushilah, is: the woman who requested her hair joined. Wasyimah, is a woman who stabs behind the palm of his hand over his hastanya or his lips from a woman with a needle, then filled with a sack. Mustausyimah, is the woman who asked to be made like that.

Ibn Mas'ud ra. explained:

ان انبى صلاالله عليه وسلم لعن الله الوشحات والمستوشحات والمتمصحات، والمتفجات للحسن المغيرات خلق الله تعالى. وقال: مالى لالعن لعن رسول الله صلاالله عليه وسلم

Meaning: "The Prophet (s) said:" Allah SWT condemns the women who pierced his palms with needles and demanded that they be made, as Allah cursed women who asked to be stripped of fine hairs on their faces and women who thought of teeth "I said:" Why do I not curse those whom the Messenger of Allah sallallahu 'alaihi wa sallam has cursed? "(Narrated by Al-Bukhari and Muslim). To declare that the Prophet

(peace be upon him) cursed the woman who ordered her feathers to be pulled out and cursed the woman who thought her teeth to stretch between the teeth of the series with the molar so that people would think she was young

Mu'awiyah ra. explained:

سمعت رسول الله صلى الله عليه وسلم ينهى عن مثل هذه ويقول "إنما هلكت بنو إسرائيل حين اتخذ هذه نساؤهم.

Meaning: "I heard Rasulullah SAW forbade such deeds to be stitched by sticking hair on top of the top of the head and he said:" The Children of Israel perish when their daughters do likewise. "(Narrated by Al-Bukhari and Muslim)

### **3.2 Istinbath Method Analysis Used by LBM in Dayah Mudi Mesra Samalanga Aceh**

The Qur'an is the first and foremost source of Islamic doctrine and law. In addition, the main purpose of the Qur'an is derived as a guide for man and the main grip in carrying out his functions as a servant as well as a *khalifah* of Allah on earth. In relation to the position and function of the Qur'an mentioned above, the Qur'an must be understood and implemented in the life of Muslims in various contexts, both worship and *muamalah* (worship in the broad sense).

The Qur'an is also the greatest miracle of Prophet Muhammad SAW for mankind. There is no doubt in the Qur'an and for those who doubt the truth of the Qur'an, Allah SWT opposes them to bring in some letters or similar to the Qur'an. Though they carry a number of helpers (other than Allah), surely they will not be able to make it. The Qur'an and Sunnah are the two main sources of Islamic Shari'a. There is no disagreement among the people that the Qur'an is the first source, and there is not the slightest doubt about its authenticity as God's revelation. The Qur'an is the *kalam* Allah revealed to the Apostle. The editors and their meanings are revealed to Muhammad SAW through revelation. All the verses of the Qur'an are narrated *mutawatir*. Therefore, all verses of the Qur'an are punished *qath'i al-tsubut*. Hadith is the first source of Islamic law after the Qur'an. In addition to being a source, he also serves as explanation, ruler, and interpreter of the Qur'an. Based on this, the study of hadith has an important position in the study of the sources of science in Islam. Strategic steps that will be taken to understand the substance of the hadith of the Prophet SAW begins with an understanding of his understanding. In other words, knowing the meaning of the hadith and the terms associated with it is a necessity to understand the hadith objectively. According to the word hadith is used to denote several meanings, among them as follows:

- a. With the meaning of al-khabar which in the Indonesian language is translated as news or words from someone who delivered to others.
- b. By the meaning of al-jadid which means something new or modern, as opposed to the word al-qadim, which means something old as found in the phrase, "al-fikr al-islami fi al-'ashar al-hadith". This sentence means, Islamic thought in modern times. The word hadith which comes in the meaning of al-jadid meant everything that came from the Apostle. While al-qadim is coming from God, that is the Qur'an.
- c. By the meaning of al-qarib, which is something near or recent, as contained in the sentence, hadith al-'ahd bi al-Islam commonly used for new converts to Islam. The plural word or plural form of the word hadith is al-hadith

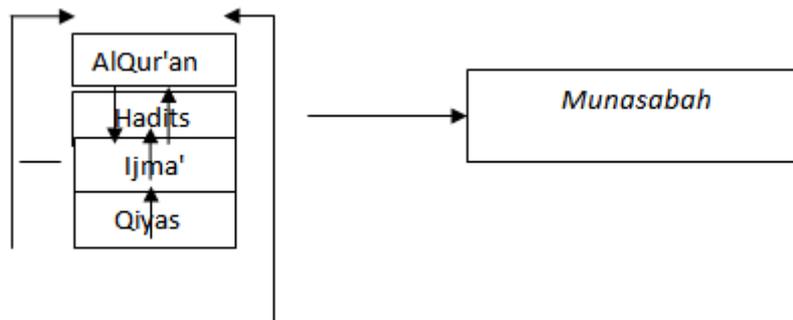
As a source of inspiration in the world of law other than Alquran and hadith should be studied seriously and deeply by Muslims especially by the experts of Islamic law which is fair in planning and policy making in the field of law. So that the law can be implemented in accordance with the basic principles of Islamic teachings both in the Qur'an and in hadith. Caused in the scope of what is propped on the Prophet Muhammad SAW either in the form of words, deeds, confessions and so forth. In the treasures of hadith found a large number of hadith containing information about the basics of Islamic law. These hadiths cover a very wide spectrum of themes and often require a special understanding before they can see their relevance to the issue of law. Through the senses and the mind, man can observe everything and events around him and outside him. Humans can classify, compare and draw general conclusions from everything and events. Humans can also verify the validity of conclusions by conducting various observations and experiments. Humans are also able to know many things about the reality of various natural phenomena as well as develop a variety of science.

The attempt of interpretation and reinterpretation of the hadiths in line with the context and the rules of al-'ibrah bi specifically al sabab la bi 'general al-lafzi and relating them to contemporary contexts, is among the alternatives in responding to the dynamics and changes that occur to the problems related to the law. In order to gain a true understanding of the Prophetic traditions related to legal themes, it is necessary to use various scientific approaches, among them the approach of semantic theory. Matan a hadith is basically the words of the Prophet SAW or a report of the Companions of the Prophet Muhammad SAW all of which is the embodiment in the form of language, either oral or written. Language is a form of interpretation, abstraction, representation of a reality. Therefore, when a language is born (written or spoken), the social, cultural, political, economic, and value context of the recipient will accompany the statement born of that language. The Prophetic hadith as part of the language, its development is documented in the form of writing called the text (matan) hadith. At the time

this hadith has been formed the text, then it will lose its context, so that anyone who read it will not be able to understand its meaning objectively, unless the initial context of the word formation is reconciled.

As for qiyas, they say: it has to be 'usyr (10%) in the grain belonging to a child, must surely oblige rubu' 'usyr (2.5%) in silver gold, for the reason that in each treasure there is a corresponding obligation with the property, then it is obligatory to remove it when it is certain and not suspended until he matures. In addition, zakat is similar to dowry, nafaqah, the price of damaged goods, and other obligations on property, and nobody says that the obligations are suspended about the existence of the adult to the owner, then zakat is the same. How, while the Hanafi scholars have obliged 'usyr on the child's wealth and also charity fithrah. Researchers found the establishment of a law in LBM Mudi Mesra with images as below.

**Figure 1: Method of LBM Istinbath Mudi Mesra**



#### IV. CONCLUSION

The *istinbath* method used by LBM in Dayah Mudi Mesra Samalanga Aceh is the first source of the Qur'an and the main teachings in Islamic law. In addition, the main purpose of the Qur'an is derived as a guide for man and the main grip in carrying out his functions as a servant as well as a khalifah of Allah on earth. In relation to the position and function of the Qur'an mentioned above, the Qur'an must be understood and implemented in the life of Muslims in various contexts, both worship and muamalah (worship in the broad sense). The Qur'an and Sunnah are the two main sources of Islamic Shari'a. There is no disagreement among the people that the Qur'an is the first source, and there is not the slightest doubt about its authenticity as God's revelation. The Qur'an is the kalam Allah revealed to the Apostle. The editors and their meanings are revealed to Muhammad SAW through revelation. All the verses of the Qur'an are narrated mutawatir. Therefore, all verses of the Qur'an are being punished qath'i al-tsubut although not all qath'i.

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