

The Role of Hadith Science in the Development of Islamic Law According to Ali Mustafa Yaqub and its Contribution to the Development of Islamic Law in Indonesia

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Abstract

The purpose of this article is to elucidate Ali Mustafa Yaqub's theory of Hadith science and how it influenced the formation of Islamic law in Indonesia. It is important to highlight the contribution of Hadith science to the creation of Islamic law to dispel the misconception that Hadith experts and Fiqh experts are incompatible. While Fiqh experts are thought to possess a contextual understanding of Hadith, Hadith experts are called textual experts. It is intriguing to look at Ali Mustafa Yaqub's attempts to solve this issue and his impact on Indonesia's Islamic legal system in this context. This study was carried out through literature research using qualitative research methods and the presentation was carried out descriptively-analytically. The research findings show that Ali Mustafa Yaqub was able to eliminate this dichotomization and prove that there is a close relationship between Hadith and Fiqh (Islamic Law) because the Imams of the Madhab are Fiqh experts as well as Hadith experts, and even have Hadith books. Ali Mustafa Yaqub's studies on Hadith and Law are written in a modern way. This claim is supported by his application of the well-established Istimbath procedure in Islamic jurisprudence. For example, his criticism of MUI Fatwa Number 5 of 2010 concerning determining the direction of the Qibla in Indonesia and the trend of Indonesian Muslims in wearing turbans in daily life shows that Ali Mustafa Yaqub is independent of the existing schools of fiqh, so the conclusions he makes do not tend to support certain groups.

Keywords: Critical Thinking, Hadith, Ali Mustafa Yaqub, Hadith Criticism.

INTRODUCTION

Ali Mustafa Yaqub is an Indonesian hadith scholar who is highly respected and whose intellect and credibility are taken into account. He has an important role in the dynamics of modern hadith studies in Indonesia. Ali Mustafa Yaqub critically discusses many hadiths that are popular and problematic in Indonesian society and his explanations surprise many people. This is because many hadiths which the public believes to be authentic, turn out to be invalid, some of them are not even hadiths, but words of wisdom or wisdom uttered by certain figures or scholars. If something that is not a hadith is declared to be a hadith and attributed to the Prophet, it means disbelieving the hadith in the name of the Prophet and the impact is very serious. He is also known to be firm and critical in dealing with matters that deviate from the truth. It is not an exaggeration if he is nicknamed "Indonesian Hadith Warrior", "Walking Hadith Dictionary", "International Standard Nusantara Muhaddis" or "contemporary Indonesian hadith scholars".

According to Ali Mustafa Yaqub, to practice a hadith, a Muslim must first know the validity of the hadith and look for the correct interpretation of the meaning of the hadith. If he finds out that the hadith he is going to practice is false, then he must abandon it and not practice the hadith. He needed to make further studies about the hadith because he already knew that what was called a hadith, was not a hadith. However, if he finds a hadith and after examining it it is proven to be valid, then he is obliged to seek a correct understanding of the meaning of the hadith. This is because an authentic hadith sometimes has had its law and meaning revised (nasakh), or sometimes the authentic hadith contradicts the Koran, other authentic hadith or reason. Therefore, the related hadith needs to be understood specifically through the tools of hadith science.

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This is because the validity and blasphemy of hadith have a very important role in determining the truth of religious teachings. On that basis, not all hadith can be used as evidence in Islamic law (read: fiqh). The majority of hadith scholars believe that dha'if hadith cannot be used as a legal basis, especially regarding halal and haram laws. According to them, legal problems should refer to authentic hadith, not weak hadith. The existence of weak hadith still raises doubts and lacks certainty. Likewise, to maintain the understanding of the hadith so that it does not deviate from the understanding of the Salaf, it is necessary to pay attention to aspects of Islamic law, especially the rules related to the understanding of a hadith. In the context of understanding Hadith, hadith experts are often seen as having conservative views because the nature of their studies is more focused on purifying the teachings originating from the Prophet SAW. In this case, hadith experts are often "confused" with fiqh experts in the context of understanding the basic concepts of religious teachings through the Qur'an and Hadith.

Many people have conducted studies on Kiai Ali Mustafa Yaqub, especially regarding his contribution to the study of hadith in Indonesia. Meanwhile, Aziz Arifin explained the quality of the Prophet's hadiths, which some Muslims tend to understand as containing teachings of intolerance between religious communities through the application of the method of understanding hadiths initiated by Ali Mustafa Yaqub. Meanwhile, M. Rizki Syahrul Ramadhan specifically highlighted the theory and application of Ali Mustafa Yaqub's hadith criticism method in his work *Problematic Hadiths*. Hasan Su'aidi specifically wrote in his dissertation about the Method of Understanding the Hadith of Ali Mustafa Yaqub in the Book of *al-Thuruq al-Shahīḥah fī Fahmi al-Sunnah al-Nabawīyyah*. Meanwhile, Fatihunnada and Hasan Basri Salim explored the genealogy of understanding, methods of understanding, and Ali Mustafa's academic experiences while studying in Indonesia and Saudi Arabia. On the other hand, Ilham Kurniawan in his academic work studied the Methodology for Understanding Hadith According to KH. Ali Mustafa Yaqub and Application Analysis and Muhamad Abdul Qodir Zaelani specifically discussed the Critical Study of the Sanad Hadith *Man Qāla fī Kitāb Allāh bi al-Ra`yihī* in the Book *Haji Satan's Servants* by Prof. KH Ali Mustafa Yaqub.

From many scientific works, we have not specifically found any studies on the role of hadith science in the development of Islamic law according to Ali Mustafa Yaqub, and its contribution to the development of Islamic law in Indonesia. This article is intended to explain the role of Hadith science in the development of Islamic law according to Ali Mustafa Yaqub and the implementation of his thoughts on the development of Islamic law in Indonesia.

Short Biography of Ali Mustafa Yaqub

Ali Mustafa Yaqub was born on March 2 1952 to Kiai Ya'qub (d. 1971) and Nyai Siti Habibah (d. 2007) in West Kemiri village, Subah District, Batang Regency, Central Java. Everyday Yes, he goes through a routine of studying and teaching as a religious person and preacher. Considering that the majority of the surrounding community were still laymen and did not understand religion, Kiai Yaqub founded an Islamic boarding school. Meanwhile, his mother, apart from being a housewife, also works as a religious teacher.

Ali Mustafa Yaqub started his education at elementary and junior high schools in his area. Then, he went to study religion in Seblak, Jombang and completed his tsanawiyah education in 1969. After that, he enrolled again in Tebuireng, Jombang, until he reached the Sharia Faculty of Hasyim As'ari University. In Tebuireng, he studied the yellow books under the guidance of senior kiyais and also studied Arabic until 1976. In that year, he began studying at the Sharia Faculty of the Imam Muhammad Bin Saud Islamic University in Riyadh, Saudi Arabia, and graduated with a License, in 1980. Remaining in the same city, he continued his education at the Department of Islamic Studies at King Saud University, Department of Tafsir and Hadith, until he received a Master's degree in 1985. That same year, he returned to his homeland and began teaching at the Islamic Institute -Qur'an (IIQ) in Jakarta. Apart from being a permanent lecturer at IIQ Jakarta, he also teaches at PTQ, Istiqlal Islamic Higher Education, and IAIN Syarif Hidayatullah, Jakarta. Apart from that, he has taught at the Salahuddin Al-Ayyubi Islamic Institute (INISA) in Tambun Bekasi, the Ulama Cadre Education (PKU) from the Indonesian Ulema Council (MUI), and the Al-Hamidiyah College of Da'wah Science (STIDA) in Jakarta. He founded the Darussalam Islamic boarding school with his family in his birth village, Kemiri, in 1989.

Apart from having experience studying abroad and being a teacher, Ali Mustafa Yaqub is also active in various organizations. He served as Chair of the Riyad Indonesian Student Association (PPI) from 1995–1997, Caretaker of Al-Hamidiyah Islamic Boarding School Depok from 1995–1997, and was a member of the MUI Fatwa Commission since 1997 and in 2005 became deputy chairman of the MUI Fatwa Commission. He is also the Chairman of the College of Da'wah Science (STIDA) in Riyad. Apart from that, he was secretary general of the Central Leadership of Ittihâdul Muballighin from 1990 to 1996. Then he became the Expert Council and Chairman of the Department of Foreign Affairs (DPP) of Ittihâdul Muballighin from 1996 to 2000, and he was also Chairman of the Indonesian Hadith Study Institute (Lep HI) and Deputy Chairman of the National Sharia Council. Ali Mustafa Yaqub is a Professor of Hadith at the Institute of Al-Qur'an Sciences (IIQ) in Jakarta. He is also a member of the Ministry of Defense of the Republic of Indonesia's Al-Qur'an Pentashih Lajnah, a member of the Majlis az-Zikra Sharia Council, and a member of the Sharia Council of Bank Bukopin Syari'ah. Ali Mustafa Yaqub lives on Jalan SD Inpres No. 11 Pisangan Barat Ciputat 15419 Jakarta with his wife and eldest child. Since 1997, he has built the Darus-Sunnah International Institute for Hadith Science near his home.

Finally, at the age of 64, Ali Mustafa Yaqub died at Hermina Hospital in Ciputat at 06.00, after devoting himself to religion and the people for a long time. He continues to make positive contributions to the country and the homeland through speech and writing.

Get to know Ali Mustafa Yaqub's work

Ali Mustafa Yaqub lives simply and sincerely. Even though he is busy, he still writes and makes time to be interviewed by journalists. After that, his writings were published, and discussed the science of hadith according to his expertise. Ali Mustafa Yaqub's works are very varied, some are written in Arabic, English, or two languages, some are translations, and some are only in Indonesian.

Ali Mustafa Yaqub's works in Arabic include *Ma'âyir al-Ḥalāl wa al-Harām fī al-Ath'imah wa al-Asyribah wa al-Adawiyah wa al-Mustahdharāt al-Tajmīliyyah 'alā Dhau' al-Kitāb wa al-Sunnah* and *Al-Qiblah 'alā Dhau' al-Kitāb wa al-Sunnah* (2010); *Itsbat Ramadhān wa Syawwāl wa Dzilhijjah 'alā Dhau' al-Kitāb wa al-Sunnah* (2013); *Al-Wahhabiyyah wa Nahdhah al-Ulamā' Ittifāq fī Ushūl al-Ikhtilāf* and *Al-Thuruq al-Shahīḥah fī Fahmi al-Sunnah al-Nabawiyah* (2014). In English there are the works *Islam Between War and Peace* (2009) and *Islam is Not Only for Muslims* (2016). Works written in two languages, for example, *Tolerance Between Religions* (bilingual, Arabic-Indonesian 2008); *Islam in America* (bilingual, English-Indonesian, 2009), *Ijtihad, Terrorism, and Liberalism* (Arabic-Indonesian, 2012) and *Guide to Amar Ma'ruf Nahi Mungkar* (Arabic-Indonesian, 2012).

Among his works in translation form, for example *Understanding the Essence of Islamic Law* (Translated by Muh. Abdul Fattah al-Bayanuni, 1986); *Nabawi Hadith and the History of Its Codification* (Translated by Muhammad Mustafa Azami, 1994); *Islamic Guidance for Individuals and Society* (Translated from Muhammad Jamil Zainu, Saudi Arabia, 1418 AH); *Polytheism according to the Syafi'i school of thought* (Translation from Prof. Dr. Abd. Al-Rahman al-Khumayis, 2001); as well as the *Aqidah of the Four Imams Abu Hanifah, Malik, Syafi'I, and Ahmad* (Translated by Prof. Dr. Abd. Al-Rahman al-Khumayis). The works in Indonesian include *The Prophet's Advice to Readers and Memorizers of the Koran* (1990); *Imam al-Bukhari and Critical Methodology in Hadith Science* (1991); *Hadith Criticism* (1995); *History and Methods of the Prophet's Da'wah* (1997); *The Role of Hadith Science in the Development of Islamic Law* (1999); *Ummah Harmony in the Perspective of the Koran and Hadith* (2000); *Islam Today* (2001); *Contemporary Fatwas* (2002); *MM Azami Defender of the Existence of Hadith* (2002); *Kiai Duladi's Ramadan Study* (2003); *Problematic Hadiths* (2003); *Fake Hadiths Regarding Ramadan* (2003); *Interfaith Marriage from the Perspective of the Qur'an and Hadith* (2005); *Female Priest; Haji Serve Satan* (2006); *Fatwa of the Grand Imam of the Istiqlal Mosque* (2007); *There's Bawal Why Choose Oysters* (2008); *Halal and Haram Criteria for Food, Medicine and Cosmetics According to the Qur'an and Hadith* (2009); *Beware of Hajj Provocateurs* (2009); *Kidung Bilik Pesantren* (2009); *25 Minutes with Obama* (2010); *Qibla According to the Qur'an Hadith; Criticism of MUI Fatwa No. 5/2010* (2011); *Ramadhan with Ali Mustafa Yaqub* (2012); *Stories From Morocco* (2012); *Eating Never Full* (2012);

Memorizing the Koran in the United States (2014); The Correct Way to Understand Hadith (2014); Satan with a Turban Necklace (2014); Wahabi-NU Meeting Point (2015) and Terror in the Holy Land (2016) .

The Relationship Between Hadith and Islamic Law

Knowledge of hadith is very important for understanding Islamic teachings and law. The Messenger of Allah was given the task by Allah to convey the Shari'a that He revealed to humans. Rasulullah Saw conveyed religious teachings mostly based on revelation. According to MM Azami, in terms of sending Muhammad Saw as Allah's law, only Allah can be the giver of the law. One of the duties of the Prophet SAW was to explain this law with words and actions. Not because he is a lawgiver like Allah, his words are binding. Rather, the things he said about the law had essentially been conveyed to him by God or had been permitted by God. Muslims respect him because they believe that his words and deeds are an expression of Allah's will . In this context, Hadith is one of the most important sources of Islamic law because it can explain and describe many things other than those explained in the Qur'an and is proof in determining and establishing Islamic Law . The position of Hadith as a source of law is the same as the Koran; However, if ordered hierarchically, hadith is in second position. Both develop into an integral whole .

Almost all Islamic scholars and followers agree that the Hadith of the Prophet is the second source of Islamic teachings, both Sunnis and Shiites and other Islamic groups. Despite the Muslim community's recognition of the Prophet as a person of authority, the legitimacy of this authority was obtained through Divine will . As a result, Muslims use his words, actions, and takir as a guide and role model in their daily lives. In addition, if it is assumed that the Prophet was always influenced by revelation, then anything related to him must have a theological basis .

On that basis, if the Qur'an is said to be the source of Islamic law, then the Hadith has the position of being the main source. Regarding its position as bayan in the Qur'an, the Hadith has the following functions: First, strengthening and explaining the laws mentioned in the Qur'an with the terms ta'kid and taqirir functions; Second, explain what is meant in the Qur'an in terms of (1) explaining meanings that are still vague or ijmal, such as the word "prayer" because the word "prayer" can mean prayer as it was generally used at that time. To explain the meaning of prayer in this verse, the Prophet carried out many actions and sayings; (2) limiting what is mentioned in the Qur'an globally or in outline, such as determining prayer times; (3) limiting things that are mentioned generally, such as the right to inherit for sons and daughters who are the cause of the death of their parents; and (4) expanding the meaning of verses in the Qur'an, such as when Allah forbade a man to marry two women who were sisters, the Prophet SAW emphasized that mother's and father's brothers were also included in this category of brothers; Third, applying laws in the hadith that are not in the Koran. The Sunnah function in this form is called Itsbat . There are different opinions about this third function. Al-Shafi'i was the first to propose this function. However, it should be remembered that when al-Shafi'i established it, he was greatly influenced by the attitudes of many people of his time who tried to reject the position of Hadith or Sunnah.

If you look closely, it will become clear that the hadith explains what is stated in the Qur'an in a limited way. One example is when the Prophet SAW forbade pork and carrion, he then mentioned that wild animals were also haram. Outwardly, the Prophet's decree is new and is not mentioned explicitly in the Qur'an, but the prohibition can be understood as an explanation of Allah's prohibition against eating anything unclean. Therefore, it seems that the Prophet SAW had included the prohibition on eating wild animals as something new. However, it is an explanation of another verse which states that only good food (not dirty) should be eaten. The Prophet's hadith functions to explain the laws of the Koran in whatever form has been explained above. The Qur'an is a law established by Allah to be implemented because practice determines the objectives prescribed. However, the Prophet's explanation of the law in the Qur'an has the aim of ensuring that humanity can fully implement God's law . In this context, the Prophet's explanation of the laws in the Qur'an takes two forms: First, it seems that the Prophet did not provide a definitive philosophical explanation, but only carried out several actions that were easy for his people to follow. The Prophet gave explanations in a way and language that was easily understood by his people according to their intellectual abilities at that time. Second, the Prophet

explained the methods and examples that existed in the world at that time. Therefore, the laws of the Koran are easy to understand, accept, and implement by mankind .

Method of Understanding Hadith

If the methodology of the work of hadith scholars is elaborated in the form of the Hadith syarah book, then they also use four methods used by tafsir scholars in studying the Qur'an, namely: First, the tahlili (Analytical) syarah method, namely explaining the Hadith by explaining sentence by sentence, hadith by hadiths are following the order of hadiths in the hadith book which is sharh. Various aspects of hadith are discussed in this description, including vocabulary, meaning of sentences, the history of the emergence of hadith, its relationship with other hadith, and circulating opinions about how people understand hadith from friends, tabi'in, and hadith scholars; Second, the Ijmali (Global) method, which provides a concise explanation of the hadith in accordance with the order of the hadith as contained in the hadith book, but can convey the literal meaning of the hadith in language that is easy to understand, without comparison with other hadiths; Third, the Muqarin (Comparison) method, namely a method of understanding hadiths by comparing hadiths that have similar or different editorials in the same case or by comparing various opinions of sharia scholars in explaining hadiths; Fourth, the Maudhu'i (Thematic) method, namely collecting several hadiths in the same discussion or theme, then explaining them, capturing their meaning, and understanding their meaning by studying other hadiths related to that theme by paying attention to the correlation between each history in order to obtain comprehensive understanding

Apart from that, in the context of interpretation techniques for understanding hadith, there are textual, intertextual, and contextual patterns. Textual interpretation means understanding the hadith solely based on the text (aspects of Arabic grammar) and tends to ignore the social reality and historical processes that gave rise to it . Intertextual interpretation means analyzing a text in a space and time dimension concerning other texts. This means understanding a hadith by paying close attention to the systematics of the relevant hadith or other meaningful hadiths or related verses of the Qur'an also called intertextual interpretation or munasabah techniques . Meanwhile, contextual interpretation is a mature understanding of the hadith by considering its relationship to the event or situation behind the emergence of the hadith (asbab al-wurud) or its context and connected to the current context .

Meanwhile, in terms of the approach to understanding hadith, there are several approaches, namely: First, the linguistic approach by paying attention to language styles, such as jawâmi' al-kalim, tamsil, symbolic expressions, conversational language, and analogous expressions; second, a socio-historical approach by looking at the social history and the social setting at the time and before the hadith appeared; Third, a sociological approach by paying attention to its relationship to the conditions and situation of society at the time the hadith appeared; and Fourth, an anthropological approach by looking at the reality of religious practices, traditions, and culture that grew and developed in society when the hadith appeared .

METHOD

This study is entirely library research. The formal object of this research is Ali Mustafa Yaqub's thoughts about the role of hadith science in the development of Islamic law, while the material object implementation of Ali Mustafa Yaqub's understanding of hadith(Sugiyono, 2017). Therefore, all sources used are library sources, both primary and secondary. The primary source is the book *The Role of Hadith Science in the Development of Islamic Law* which Ali Mustafa Yaqub adopted from his scientific oration at the inauguration of the Associate Professor of Hadith Science at the Institute of Al-Qur'an Sciences (IIQ Jakarta, Thursday, 14 Sha'ban 1419 AH/3 December 1998 AD Secondary sources are journal articles and other books related to Ali Mustafa Yaqub's thoughts on understanding hadith.

Apart from that, this research also uses descriptive-analytical discussion. The descriptive method aims to describe the theoretical basis, namely those related to the biography and works of Ali Mustafa Yaqub, the relationship between Hadith and Islamic Law. The analytical method is to analyze the role of Hadith science in

the development of Islamic law according to Ali Mustafa Yaqub and the implementation of Ali Mustafa Yaqub's understanding of Hadith.

The Role of Hadith Science in the Development of Islamic Law According to Ali Mustafa Yaqub

As a product of *ijtihad*, *Fiqh* (read Islamic law) has existed since the time of the Prophet Saw, for example, the *ijtihad* of the companions regarding the Asr prayer in Bani Quraizhah as told by Imam al-Bukhari (194-256 H) from 'Abdullah bin Umar (610-693 AD), when they and the Prophet SAW returned from the battlefield of Ahzab (5 AH). Meanwhile, the science of Hadith, whose core study examines the authenticity of Hadith, has also existed since the Prophet SAW was still alive, such as the history of Imam al-Bukhari (194-256 H) regarding the confirmation made by Umar bin Khathab (582-644 AD) after receiving information from his Ansar neighbors from the Umayyah bin Zaid family that he had divorced his wives. It's just that the scope of study of these two scientific disciplines is very limited because everything depends on the Prophet SAW. This means that research on the authenticity of *Matan Hadith* has existed since the Prophet SAW was still alive and appeared earlier than research on the credibility of narrators. This also rejects the view that states that research by Hadith experts in the classical period only focused on the *sanad* aspect and ignored the *matan* aspect of Hadith.

In subsequent developments, as various new problems emerged in life that never occurred during the time of the Prophet SAW, this led to *ijtihad* playing a greater role in determining the legal provisions of these problems. In terms of Hadith science, the increasing distance among Muslims from the time of the Prophet SAW gave rise to special knowledge to study Hadith narrators. Moreover, after the slander in the form of division within the Muslim community due to the murder of Caliph Usman bin 'Affan (d. 36 H/656 AD), as stated by Muhammad bin Sirin (33-110 H), when they heard a Hadith, Muslims always asked who it was from. Did you get that hadith? If the hadith is obtained from *Sunnah* experts, it is accepted as evidence in the Islamic religion. However, if the hadith was obtained from a heresy spreader, then its status is rejected.

The slander occurred, then followed by the spread of false hadith (*mawdhû'*) starting in 41 AH caused the *ulama* to tighten the requirements for people whose hadith were accepted. It is not only Hadith experts who determine these requirements, but it is also carried out by *Fiqh* experts as explained in various *Usul Fiqh* books. Even on the same issue, the books of Hadith science are also full of the opinions of *Fiqh* experts.

In this case, from the beginning, the science of Hadith has played its role in the development of Islamic law. This role went viral when *Fiqh* experts proclaimed that their school of thought was the "Sahih Hadith School". The criteria for the validity of Hadith with its various detailed requirements have given it its color and made *Fiqh* (Islamic law) flexible and elastic so that it is accommodating to changes in time and place. On the other hand, the role of Hadith science also dominates the development of Islamic law through the formulation of various *tarjih* theories in the science of *mukhtalif al-hadith*. These theories were then adopted and applied by *Fiqh* experts in their *ijtihad*. Borrowing the language of Ali Mustafa Yaqub, "a *Fiqh* expert is not called a *mujtahid* until he knows the science of Hadith".

Of the four leading Imams of the *Fiqh* school, Imam Abu Hanifah (80-150 H) is rarely referred to as a Hadith expert, the next is Imam al-Shafi'i (150-204 H). Even though both of them have the capacity and reputation as *Fiqh* experts and Hadith experts. Imam Abu Hanifah (80-150 AH), who was known as an expert in *Fiqh* and a figure of the rational school (*madrakah al-ra'yi*) in Iraq, was also an expert on Hadith and even had a book of Hadith, namely *Musnad al-Imam al-A'zham Abi Hanifah*. Imam Yahya bin Ma'in (d. 233 H) considered Abu Hanifah to be a trusted Hadith scholar (*tsiqah*) because he only wanted to narrate Hadith that he had memorized. Among the students who wrote Hadith from Abu Hanifah include Abdullah bin al-Mubarak (118-181 H), Abu Yusuf (130-182 H), and Muhammad bin Hasan al-Syaibani (132-189 H). Likewise, Imam al-Syafi'i (150-204 H) in the opinion of Ahmad Muhammad Syakir, was not only known as an expert on Hadith, but also an expert on *Fiqh*. His book "*al-Risala*" was the first book written in the science of Hadith, as well as the science of *Fiqh*. Apart from that, Imam al-Shafi'i also has the Hadith books *al-Sunan al-Ma'tsurah* and *al-Musnad*, although neither of them was written by him. His tenacity in defending the *Sunnah* from being undermined by the thoughts of disbelievers in the *Sunnah* made the people of Makkah nickname him *Nashir al-Sunnah* (Defender of the *Sunnah*).

Meanwhile, Imam Malik bin Anas (94-179 H), known as Imam Dar al-Hijrah (a role model for the people of Medina) was an expert on Hadith and an expert on Fiqh. He studied Hadith, among others, Muhammad bin Syihab al-Zuhri (51-124 H) and Nafi' Maula Ibn Umar (30-117 H). Among his famous students were Muhammad bin Hasan al-Syaibani (132-189 H), figures from the Hanafi school, Imam al-Syafi'i (150-204 H), and Yahya bin Yahya al-Laitsi (152-234 H). He wrote the book *al-Muwaththa`*, a book of Hadith as well as the first and main book of Fiqh in the Maliki School. Judging from its content, this book, which is compiled in the systematics of Fiqh, is not usually called a pure book of Hadith because it also contains many fatwas of friends and fatwas of *tabi'in*. Likewise, Imam Ahmad popularly known as Imam Hanbali (164-241 H) was a Hadith expert as well as a Fiqh expert. He studied Hadith from Hasyim bin Basyir (104-183 H) as well as Fiqh and Ushul Fiqh from Imam al-Shafi'i (150 -204 H). Among his main students in the field of Hadith were Imam al-Bukhari (194-256 AH), Imam Muslim (204-261 AH) and Imam Abu Dawud (202-275 AH). He was nicknamed Nashir al-Sunnah (Defender of the Sunnah) because of his tenacity and excellence in arguing in proving the validity of Hadith as a source of religious teachings. For him, studying Hadith means studying Islamic law at the same time.

Through his presentation, Ali Mustafa Yaqub made a major contribution to hadith thinking in Indonesia, especially in eliminating the dichotomy between hadith experts and fiqh experts. This is because, as al-Farabi and Ibn Khaldun argue, ontologically, the Koran, Hadith, and Fiqh are parts of science that cannot be separated from each other. In this context, there is a close relationship between Hadith and Islamic law, which has attracted the attention of several classical ulama figures, including Sufyan al-Tsauri (96-161 AH), Sufyan bin Uyainah (107-198 AH) and Abdullah bin Sinain (d. 213 H) stated: "If I were a Qadhi, I would beat Fiqh experts who do not study hadith and hadith experts who do not study Fiqh". This statement by Hadith experts shows that there should not be a separation between Hadith and Islamic law.

In the context of understanding Hadith, some consider that there is a dichotomous view between Hadith experts (*muhadditsîn*) and Fiqh experts (*fuqahâ`*). Hadith experts are often labeled as mere "historians" and tend to be textual in understanding religious propositions, only fixating on the text of the Hadith, without trying to know the "spirit" contained in the text when understanding the Hadith. Meanwhile, Fiqh experts are seen as a rational-cotextual group in understanding hadith.

This dichotomous and disproportionate view has the effect of negatively accusing Hadith experts of being a textualist group. Hadith experts are not only historians but also have a rational understanding. Among the evidence, Hadith experts formulate the requirements for the validity of Hadith, namely if it is narrated in continuous sanad by narrators who have the characteristics of *'fair and dhabith* and there are no *syadz* and *'illat*. All these requirements are based on reason alone, there are no verses in the Koran or Hadith that determine them. In Hadith science, this is called *al-naqd al-'aqli li al-hadîts* (reasonable criticism of Hadith).

If Hadith experts were irrational, of course, they would accept all Hadith as evidence in their religion and the implication would be that the face of Islamic law would be different from what is found now. However, Hadith experts do not directly provide evidence for the history of the hadith they receive, but instead carry out criticism and selection based on logic in terms of the sanad and *matanya*. In this way, we can know which Hadith are valid and which are invalid.

Implementation of Ali Mustafa Yaqub's Thoughts on the Development of Islamic Law in Indonesia

Ali Mustafa Yaqub's thoughts inspired the development of hadith studies, especially in Indonesia. He has placed the study of hadith in the right position without choosing between other fields such as Fiqh, Ushul Fiqh, Al-Qur'an, and Tafsir. In the field of Hadith thought, Ali Mustafa Yaqub contributed to introducing an orientalist mindset in "criticizing" Hadith and defending ulama, then developing a method of understanding Hadith through the Darussunnah Islamic Boarding School which he founded, writing Hadith thought in the form of reconstructing understanding of Hadith, both in the form of criticism or new thoughts regarding Hadith such as the meaning of *bid'ah* or Hadith in public debates regarding law.

In this context, the diversity of the majority of Indonesian Muslims is influenced by the thoughts of Ali Mustafa Yaqub. The critical objects include problematic hadiths spread in society, repeated criticism of the Hajj, LGBT issues, radicalism and terrorism, and worship activities whose hadith sources are unclear. One of the most prominent indicators is doing "takhrij al-hadiths". Ali Mustafa Yaqub used the book *Ushul al-Takhrij wa Dirasah al-Asanid* by Mahmud al-Tahhan as a reference for the steps of takhrij that he took. In this research, he combines sanad criticism (external criticism) and matan criticism (internal criticism) as expressed by Mahmud al-Tahhan and other Hadith scholars. Ali Mustafa Yaqub quotes the opinions of mutaqaddimîn scholars, such as Imam al-Tirmidhi, al-Baihaqi, Ibn Jauzi, and mutaakhirîn scholars, such as al-Dzahabi, al-Zila'i, al-Haytsami, Ibnu Hajar, al-Sakhawi, al-Suyuti, and al-Munawi, in assessing the quality of Hadith, whether sahih, Hasan, or dha'if. He also quoted the opinions of contemporary ulama such as Shaykh Ahmad Syakir, Shaykh al-Arna'ut, Shaykh Abdul Fattah Abu Ghuddah, and other muhaddis. Apart from that, Kiai Ali Mustafa Yaqub often carries out independent ijtihad in determining the quality of hadith by comparing the opinions of jarh and ta'dil scholars. If there are differences of opinion among jarh and ta'dil scholars regarding the quality of rawi, Ali Mustafa Yaqub compares them with mutasyaddidûn scholars (rather strict/hard), mutawassitûn scholars (middle/moderate scholars) and mutasâhilûn (rather loose) in criticizing Rawi's personal. He did this to find out and sort out which hadiths were valid and could be used as evidence and which were invalid and thus rejected as evidence.

In the context of compiling and establishing the basic foundations for legal excavation (istinbath), Ali Mustafa Yaqub uses postulates that are already well established among fuqaha', such as the Qur'an, Hadith, ijma', qiyas, istihsan, maslahat mursalah, maqashid sharia, ushuliyah dalil, and fihiyyah dalil, along with social elements and advances in science and technology. Apart from that, Ali Mustafa Yaqub uses reason to bring closer the understanding of hadith, especially in cases of hadith that appear contradictory. This is the result of a dialectic between understanding religious texts and social, political, and cultural realities, which are bridged by various epistemological frameworks (Fatihunnada, 2017, p. 71).

After the validity of a Hadith is obtained, the implementation of Ali Mustafa Yaqub's understanding of Hadith is as follows: First, basically hadiths relate to matters of the unseen (umur al-ghaibiyah), pure worship (al-'ibadah al-mahdah) and the law of qath' i (definitely) must be understood textually as it should be, without interpreting it further; Second, if it is deemed that textual understanding cannot be carried out, then contextual understanding is applied with the condition of first applying the "ahsan thuruq al-tafsir" method, namely explaining the Qur'an with the Qur'an, the Qur'an with Hadith and Hadith with other Hadith; and Third, contextual understanding of hadith is carried out by paying attention to aspects outside the text, namely the cause of the emergence of hadith (asbab al-wurud), temporal locality (al-makan wa al-zaman), causal factors ('illah al-kalam), and socio-cultural (taqlid) society

Implementatively, Ali Mustafa Yaqub uses six kinds of strategies to understand the Prophet's Hadith. He consistently uses these six strategies when trying to give a fatwa or when examining Muslim religious phenomena through the lens of hadith, namely: First, first understand the metaphorical language contained in the content of the hadith. If everyday life cannot be separated from the use of metaphors, then religion in its various messages always uses the strategy of parables (majaz).; Second, find the illat (indication and substance that is the cause) behind the legal provisions in the Hadith. The illat referred to in this strategy falls into the realm of Ushul Fiqh studies and is divided into two, namely the illat contained in religious texts and the illat resulting from ijtihad. This illat can be used to read the meaning of several hadiths. In this case, Ali Mustafa Yaqub also emphasized the importance of contextual understanding that is in harmony with the current situation and synchronizing the values contained in the hadith in a plural and multicultural society. He tried to generalize specific things about relations with non-Muslims, namely separating hadiths about war applied in war conditions and hadiths about peace applied in peace conditions (Nz Adriansyah, 2019, p. 231).

Third, pay attention to the geographical conditions when a hadith is recited, remembering that there are several hadiths relating to the direction of religious rituals, for example, the Qibla, defecation, and so on. Even though geographical location cannot be used as a source for laying down laws, geographical location can also help understand hadith proportionally. Fourth, pay attention to the cultural elements in the hadith. Hadith are not only related to religion because they are spoken in Arab society. The revelation of the Qur'an and hadith to the

Prophet cannot be separated from the local environmental and cultural context. The principles of al-Hadith are sometimes referred to as *arabiyyun lughatan wa alamyun ma'nān*. Even though the Hadith is spoken in Arabic, its meaning is broad. Arab culture is fully reflected in the Arabic language of the Prophet. Therefore, Ali Mustafa Yaqub stated that understanding hadith must be done in the context of space and time. In this case, it can be seen how Ali Mustafa Yaqub emphasizes the importance of Hadith being understood as local wisdom because the cultural traditions of Arab and Indonesian society are different. Regarding efforts to preserve the "sacredness" of the turban by certain parties in every situation and condition, Ali Mustafa Yaqub issued a fatwa on the "haram" of the turban in the Indonesian context because it is a church clothing, not clothing usually worn by the general public. However, Ali Mustafa Yaqub does not deny the existence of a hadith which explains that the Prophet SAW wore a turban.

Fifth, pay attention to the priority scale in worship. This strategy is commonly used by Ali Mustafa Yaqub to understand hadiths related to the repeated pilgrimages of Hajj or Umrah. According to Ali Mustafa Yaqub, if there are two acts of worship, one of which has a greater reward value than the other, then the act of worship that has a greater reward value is the most important to perform. If two acts of worship have benefits for the social environment apart from individuals, then this act of worship that has benefits for the social environment is the most important to do. His views on the priorities of worship color Ali Mustafa Yaqub's writings through pen writings that tend to have a provocative tone, such as *Haji the Devil's Servant* and *Kyai the Dollar Hunter*. ; Sixth, prioritize the intentionality of sharia over the textuality of Hadith . In his various works, Ali Mustafa Yaqub does not discuss this strategy much. On the other hand, he argues that although the spirit underlying the hadith is more important, the textuality of the hadith is still important. The Prophet's order to Zaid bin Thabit to learn Hebrew is an example of a hadith related to this strategy. This hadith text shows that studying Hebrew is sunnah. Based on understanding the purpose of this hadith, Ali Mustafa Yaqub believes that learning foreign languages is included in the sunnah if the spirit is for *da'wah* and goodness.

Implementing Ali Mustafa Yaqub's thoughts on the development of Islamic law in Indonesia. can be seen from his focus on MUI fatwas, for example regarding determining the direction of the Qibla in Indonesia. MUI Fatwa Number 5 of 2010 stipulates that the Qibla of Muslims in Indonesia is in the northwest direction with different degrees of inclination according to the location of each region in Indonesia. This fatwa is based on Google Map

Ali Mustafa Yaqub criticized the MUI fatwa with two major points. First, he said that the MUI fatwa violated the guidelines for determining a fatwa that was made and determined by the MUI itself, namely that it must be based on *syar'i* arguments from the Koran, Hadith, *Ijma*, *Qiyas*, and other *mu'tabar* arguments. Second, he said that the MUI fatwa also violated other MUI guidelines, namely that you must choose a strong (*rajih*) opinion from the existing *ulama's* opinions, not an opinion that is *marjuh* (weak) .

According to Ali Mustafa Yaqub, the Qibla of Indonesian Muslims is the direction of the Kaaba, which is any direction west, because Indonesia is to the east of the Kaaba. This is based on the understanding of *muwafaqah* (implicit meaning commensurate with the text of the proposition) from the hadith "مَا بَيْنَ الْمَشْرِقِ وَالْمَغْرِبِ قِبْلَةٌ" (The direction between east and west is the Qibla) (HR. at-Tirmidhi). Likewise, *Qiyas* (analogy) applies to the residents of Medina and its surroundings in the area north of the Kaaba. This is also following the opinion of the majority of scholars from the Hanafi, Maliki, Shafi'i, and Hanbali schools of thought .

If you look closely, there are good and bad things in Ali Mustafa Yaqub's opinion about the direction of the Qibla. The advantages are (1) it makes it easier for lay people to find the Qibla direction when praying, and (2) it doesn't take a long time to find the Qibla direction. The disadvantages are (1) reducing people's desire to understand astronomy, and (2) not finding the direction of the Qibla that approaches the point closest to the Kaaba, even further from the absolute direction of the Qibla .

Ali Mustafa Yaqub's firmness in criticizing the MUI fatwa caused him to leave the MUI structure. Despite this, he continued to contribute to the people in various works until he died in 2016. Even though he was firm in his stance in criticizing fatwas which he said violated MUI's guidelines, his relationship with MUI administrators remained harmonious. This was proven when he died, many MUI administrators attended his funeral—even

KH. Ma'ruf Amin Chairman of the MUI at that time was also present and expressed his condolences for his death .

Another example is that wearing a turban is haram in the Indonesian context. The turban is prohibited because it is part of shuhrah clothing, which is often associated with arrogance, showing off, *riya*, and *sum'ah*, and Indonesians rarely wear it. So, it is not clothing that is usually worn by the general public. Ali Mustafa does not deny the hadith which states that the Prophet wore a turban; However, the hadith is understood contextually, which means no law must be applied in all situations and circumstances.

In the realm of the development of Islamic law in Indonesia, Ali Mustafa Yaqub strives to provide references and sources of Islamic law that are authentic, credible, and useful for the development of Islamic law in Indonesia. Ali Mustafa Yaqub's thinking in the field of Hadith and Law has a modernist style. This statement is strengthened by the freedom he has in applying Islamic law using established *istinbath* techniques. The diversity of *istinbath* methods used by Ali Mustafa Yaqub shows that he is independent of existing schools of *fiqh* so the conclusions he makes do not tend to support certain groups. The flexibility of Ali Mustafa Yaqub's thinking cannot be separated from his social and social activities during his life and the influence of his teachers so that his way of thinking is not bound and changes with the times.

CONCLUSION

This study relates to the role of hadith science in the development of Islamic law according to Ali Mustafa Yaqub and its contribution to the development of Islamic law in Indonesia. This research found that the role of Hadith science in developing Islamic law is very vital and urgent to eliminate the dichotomy between Hadith experts and *Fiqh* experts. Ali Mustafa Yaqub proves that there is a close relationship between Hadith and *Fiqh* (Islamic Law) because if you look closely, the Imams of the *Madhab* are not only experts in *Fiqh*, but are also experts in Hadith, and even have books of Hadith. Ali Mustafa Yaqub's research on Hadith and Law follows a contemporary style. This statement is strengthened by his ability to use the established *istinbath* method to implement Islamic law. The diversity of *istinbath* methods used by Ali Mustafa Yaqub shows that he is independent of existing schools of *fiqh* so that the conclusions he makes do not tend to support certain groups, as his criticism of MUI Fatwa Number 5 of 2010 concerning determining the direction of the *Qibla* in Indonesia and the trend of Indonesian Muslims in wearing turbans in their daily lives.

This research elaborates on Ali Mustafa Yaqub's thoughts regarding the role of hadith science in the development of Islamic law and its contribution to the development of Islamic law in Indonesia. Have not studied in detail and in depth various aspects of Ali Mustafa Yaqub's thoughts regarding the understanding of certain hadiths. For a deeper understanding, special and separate research is needed on various themes related to the thoughts of this charismatic figure.

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