

LEGAL STATUS OF *QATH'I* AND *ZANNI* IN USHUL FIQH METHODS

Syamsuddin Muir

Universitas Islam Negeri Sultan Syarif Kasim Riau

Email: syamsuddin.muir@gmail.com

Abstrak	Info Artikel
<p><i>Artikel ini mengkaji konsep qath'i dan zanni dalam Ushul Fiqh dengan mengacu pada tulisan Ushul Fiqh klasik dan kontemporer. Dengan mengenal konsep qath'i dan zanni, Anda akan mampu memahami berbagai perbedaan pendapat ulama secara tepat. Apakah terjadi perbedaan pendapat mengenai masalah zanni yang diperbolehkan dalam hukum Islam, ataukah perbedaan tersebut melanggar ketentuan nash qath'i yang tidak lagi membenarkan pelaksanaan takwil? Kajian terhadap konsep qath'i dan zanni ini memunculkan pemahaman bahwa qath'i hanya mencakup persoalan prinsip-prinsip syariat yang dikenal dengan istilah al-tsabat yaitu prinsip penyatuan pemikiran dan tasyri' bagi umat Islam, dan tidak akan pernah berubah. meskipun terjadi perubahan waktu, tempat dan keadaan. Sedangkan zanni hanya terfokus pada persoalan khilafiyah yang disebut dengan al-murunah yang merupakan wadah pengembangan pemikiran dan kemajuan untuk menghidupkan kembali ijtihad yang berpegang pada kaidah-kaidah yang terkandung dalam Ushul Fiqh.</i></p>	<p>Diajukan : 29-5- 2024 Diterima : 9-08- 2024 Diterbitkan : 25-08-2024</p> <p>Kata kunci: <i>Status Hukum, Qath'i, Zanni, Ushul Fiqh</i></p> <p>Keywords: <i>Legal Status, Qath'i, Zanni, Ushul Fiqh</i></p>
<p>Abstract</p> <p><i>This article examines the concepts of qath'i and zanni in Ushul Fiqh by referring to classical and contemporary Ushul Fiqh writings. By getting to know the concepts of qath'i and zanni, you will be able to understand the various differences of opinion of ulama in the right way. Does the difference of opinion occur on the issue of zanni which is permitted in Islamic law, or does the difference violate the provisions of the qath'i texts which no longer justify carrying out takwil? This study of the concepts of qath'i and zanni has led to the understanding that qath'i only covers the issues of the principles of shari'a known as al-tsabat which is the principle of unification of thought and tasyri' for Muslims, and will never change. despite changes in time, place and circumstances. Meanwhile, zanni is only focused on khilafiyah issues known as al-murunah which is a place for developing thought and progress to revive ijtihad which adheres to the rules contained in Ushul Fiqh.</i></p>	
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INTRODUCTION

The concept and position of the status of *qath'i* and *zanni* in the shari'ah propositions is a discussion of the area of Ushul Fiqh that has existed since the early days of the formulation and writing of Ushul Fiqh. This can be seen in the book al-Risala by Imam Syafi'i, which is the first book of Ushul Fiqh that discusses the position of *qath'i* and

zanni. The discussion about *qath'i* and *zanni* has developed in line with the development of Ushul Fiqh writing. Either Ushul Fiqh written using the mutakallimin methodology or Ushul Fiqh from the Hanafiyah circle which is known as the fuqaha' methodology. These two writing methodologies are not behind in discussing the concepts of *qath'i* and *zanni*. This is because this concept is the basis for making an assessment of the postulates on which an opinion depends.

It has been agreed by Muslims that the Qur'an and hadith are the two main sources of Islamic teachings that are always used as normative foundations when faced with various social problems that arise in life. So it can be understood that, whatever problems arise and are faced by Muslims in this life must be returned to these two main sources of Islamic teaching, namely the Qur'an and hadith. This attitude should be the main principle and a necessity and religious foundation that must be possessed by everyone who will study the teachings of Islam. Such an attitude is not only a manifestation and form of obedience to Allah and His Messenger, but also an integral part of the methodological process of understanding the Qur'an and hadith. The normative basis of such an attitude is based on the word of God in QS. al-Nisa' verse 59 as follows:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

Means:

O believers, obey Allah and obey the Messenger (Prophet Muhammad) and ulul amri (power holders) among you. If you disagree about something, return it to Allah (Qur'an) and Messenger (hadith) if you believe in Allah and the Last Day. Such is better (for you) and better for the consequences (in this world and in the hereafter).

The above verse expressly warns us as believers to always obey Allah and His Messenger and Ulil Amri (leader) who controls the affairs of the people. When faced with problems must be returned to Allah and His Messenger, namely the Qur'an and hadith. Returning all these issues to the Qur'an and this hadith is to make it the main guideline in which there are various provisions and legal provisions in which this can be understood using various approaches, which is the root of the birth of methodological procedures in the understanding of the nash of the Qur'an and hadith.

The methodological step that can be used as an anticipatory step in dealing with various legal problems that will arise in the midst of Muslim social life is as explained in the Prophet's hadith about the dialogue between the Prophet and Mu'az bin Jabal so that it can be used as an inspiration for the birth of methodology in ijihad and istinbath law. Almost all scholars of Ushul Fiqh make the hadith as a normative basis in developing the methodological principles of Islamic legal studies. Textually the hadith is Muadz bin Jabal when sent by the Holy Apostle (peace be upon him) to Yemen as a judge as follows:

عَنْ الْحَارِثِ بْنِ عَمْرٍو ابْنِ أَخِي الْمُغِيرَةَ بْنِ شُعْبَةَ عَنْ أَنَسٍ مِنْ أَهْلِ حِمَصَ مِنْ أَصْحَابِ مُعَاذِ بْنِ جَبَلٍ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَمَّا أَرَادَ أَنْ يَبْعَثَ مُعَاذًا إِلَى الْيَمَنِ قَالَ كَيْفَ تَقْضِي إِذَا عَرَضَ لَكَ قَضَاءٌ قَالَ أَقْضِي بِكِتَابِ اللَّهِ قَالَ فَإِنْ لَمْ تَجِدْ فِي كِتَابِ اللَّهِ قَالَ فَيَسُنَّةَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ فَإِنْ لَمْ تَجِدْ فِي سُنَّةِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَلَا فِي كِتَابِ اللَّهِ قَالَ اجْتِهَدْ رَأْيِي وَلَا أَلُو فَضْرَبَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ صَدْرَهُ وَقَالَ الْحَمْدُ لِلَّهِ الَّذِي وَفَّقَ رَسُولَ رَسُولِ اللَّهِ لِمَا يَرْضَى رَسُولُ اللَّهِ

Means:

From Al-Harith bin 'Amru son of the brother of Al-Mughirah bin Shu'bah, from several inhabitants of Himsh who were some of the companions of Mu'adz bin Jabal. That the Holy Prophetsa when he was going to send Mu'adz bin Jabal to Yemen he said: "How do you give a decision when there is a trial before you?" Mu'adz replied, "I will decide to use the Book of Allah." He said: "If you had not found it in the Book of Allah?" Mu'adz then replied, "I will return to the sunnah of the Holy Prophetsa." He said again: "If you do not find it in the Sunnah of the Holy Prophetsa and in the Book of Allah?" Mu'adz replied, "I will ijtehad using my opinion, and I will not diminish." Then the Holy Prophetsa patted his chest and said: "All praise be to Allah who has given instructions to the messenger of the Prophet to do what pleased the Messenger of Allah. (HR. Abu David)

So based on the results of the dialogue between the Prophet and Mu'az bin Jabal The above shows a form of methodological process in providing answers to various legal problems that arise in people's lives. The scholars of Ushul Fiqh and the scholars of fiqh explained that basically the Prophet (peace be upon him) knew the laws of Sharia and the steps to be taken in implementing the results of the istinbath of law. Methodological steps to solve legal problems as described in the hadith above, can even provide practical solutions to legal problems that are occurring, even more anticipatory in the future if faced with legal problems in the field.

Thus, a comprehensive effort to understand the Qur'an and hadith as the main source of Islamic teachings is very important in order to produce a provision of sharia law. Nevertheless, the position of the Qur'an and hadith is certainly different from the legal aspect, if the Qur'an is *qath'i*, while the hadith is *zanni* In the view of Al-Yasa Abu Bakr *zanni* is a nash that has met the requirements to be used as a postulate, however, not up to the level of *qath'i*. Therefore, the concept and position of the status of *qath'i* and *zanni* in the postulates of shari'a is a discussion of the area of Ushul Fiqh that has existed since the early days of the formulation and writing of Ushul Fiqh. This can be seen in the book *al-Risalah* by Imam Shafi'i which is the first book of Ushul Fiqh which discusses the position of *qath'i* and *zanni*.

The discussion of *qath'i* and *zanni* has developed in line with the development of the writing of Ushul Fiqh. Both Ushul Fiqh written with *mutakallimin* methodology or Ushul Fiqh from among the Hanafis known as *fuqaha* methodology'. These two writing methodologies are not left behind in terms of discussing the concepts of *qath'i* and *zanni*. This is because the concept is the basis for making judgments on the postulates on which an opinion depends.

RESULT AND DISCUSSION

Qath'i and *Zanni* Terms

The term *qath'i* comes from Arabic which linguistically (etymologically) means cutting something, separating a part of it and keeping it away. (Mustafa Sanu, 2000: 335) The same understanding was also expressed by Ibn Manzur (1990: 276), and also written in the book *al-Mu'jam al-Wasith* (t.th, 774). Meanwhile, in the classical Ushul Fiqh period, no definition of *qath'i* according to terms (terminology) was found. Previous Ushul scholars used the word "*maqthu*" which has the same meaning as the word *qath'i*.

Terminologically, the term *maqthu'* is a word (lafaz) which indicates a meaning that does not have the possibility of takwil. (Ibn al-Jawzi, 1995: 144) In the contemporary Ushul Fiqh period, many special definitions of the term *qath'i* are found in discussions about the *dalalah* (indications) of the text of the Qur'an regarding a law. Abdul Wahhab Khallaf, for example, is one of the authors who defines the term *qath'i* in terms of terminology by saying that *qath'i* is a text (al-Qur'an and hadith) which shows certain meanings, and it is no longer possible to accept takwil, and there is no more a place for other meanings. (Abdul Wahhab Khallaf, 1948; 32)

The term *qath'i* refers to the use of the meaning of a word or word. So, in terms of terminology, the term *qath'i* is a pronunciation that has one meaning, and usually this meaning has been agreed upon by the ulama. As the ulama say, "dalil *qath'i*" means a proposition that only has one meaning. (Mustafa Sanu, 2000: 335) Thus, *qath'i* is a proposition that no longer has the possibility (*ihthimal*) that arises from other propositions that are absolute according to the Shari'a. Sometimes the proposition is *qath'i* from the *tsubut* aspect, as is the case with the Qur'an and mutawatir hadith which are considered *qath'i al-wurud* (definitive channel) and also *qath'i tsubut* (definitive narration). Sometimes the proposition is *qath'i* from the aspect of maturity and meaning, as in some passages of the Qur'an and hadiths of the Prophet which have a clear meaning, and in passages of the Qur'an and mutawatir hadiths which relate to faith, morals and other concepts. general concept of the Islamic religion. (Abdul Wahhab Khallaf, 1948; 32).

Meanwhile, the term *zanni* linguistically (etymologically) has two meanings, (Ibn Manzur, *ibid*) namely knowing something without being sure, and approaching the meaning of the accusation. The word "*zannui*" means something that is not believed. Scholars have their own definitions of the term *zanni* according to terminology appropriate to their field of study. **First**, fiqh scholars (fuqaha') say, *zanni* according to the terminology is doubt between the existence and non-existence of something, whether the doubt between existence and non-existence is equally strong, or one of them is stronger (*rajih*). The meaning of *zanni* is close to the meaning of *syak*. (Al-Zarkasyi, 1992; 822). However, there are also fiqh scholars who argue that *zanni* is a pure part of two doubts. (Al-Zarkasyi, 1992; 67). A scholar of Kalam Science, Imam al-Juwaini, said that *zanni* means doubt, and is the same as the meaning of doubt. However, the one that is believed is more firm, or the law on one of the two doubts is more firm. However, there is still the possibility of differences in meaning. (Al-Juwaini, 1992; 2). **Second**, Ushul Fiqh scholars say that *zanni* is the stronger (*rajih*) of one of two possibilities without any certainty. (Najm al-Din Al-Tufi, 1987; 174).

This definition is the same as what was said by Ibn Hazm al-Zhahiri (1938; 32) and al-Khatib al-Jawi. (Al-Khatib Al-Jawi, 1938; 32). So, it can be understood that their views on the definition of *zanni* are the same, namely, the strength of one of the two possibilities without any certainty, and *zanni* is not a doubt, and its degree is higher than *wahm*. (Mustafa Sanu, *Ibid*).

Thus, it can be understood that *zanni's* postulate is a postulate that still has the possibility (does not have a definite meaning) that comes from other postulates. *Zanni's* postulates can be seen from the *tsubut* and *dalalah* aspects: (a) *Zanni* on sanad (chain of hadith transmitters). Like the Sunday hadith. All Ahad hadiths are *zanni al-wurud* (strong possibility coming from the Prophet, but not certain), (b) *Zanni* pada matan (sentences of

the Prophet's hadith). This happens in the hadith which has many meanings. This also happens a lot in the Qur'an, (c) *Zanni* in sanad and matan. This happens in the propositions of *zanni al-tsubut* and *zanni al-dalalah*. This *zanni* argument is found in most non-mutawatir hadiths and in ijtihad propositions such as *Qiyas*, *Istihsan*, *Istishab*, *Istishlah*, *Sadd al-Zara'i'*, and others.

The scholars have divided the term *qath'i* into three categories, namely as follows: **First**, *Qath'i al-syar'i* which is used for sharia laws from the aspects of tsubut and dalalah. *Qath'i* from the tsubut aspect is called "*al-ma'lum min al-din bi al-darurah*". As for the internal aspect, it is only specific to religious texts that do not accept takwil or change. **Second**, *Qath'i al-aqli* is a certainty that leaves no doubt. (Al-Thufi, 1987; 30). Like, one is half of two. These three *qath'i al-'adi* specialize in the issue of *'urf* or resam customs which are well known in human life. (Al-Syatibi, 1969; 264. **Fourth**, connect the concept of counting with the *qath'i* and *zanni* methodology. Ushul fiqh scholars use this methodology in the mutawatir ma'nawi hadith which is equated with mutawatir lafzi. Because the meaning is similar, even though the pronunciation is different. This thinking is also used by Hanafiyah. (Al-Nasafi, 1987; 19) **Fifth**, Ushul Fiqh scholars use the term *qath'i* in two meanings, (1) *Qath'i al-'ilm*, namely propositions that produce definite knowledge without the help of others. Like the verses of the Qur'an which are *qath'i al-dalalah*, hadith mutawatir or ijma', (2) *Qath'i al-'amal*, namely propositions, do not produce *qath'i* knowledge. But combining it with other propositions will produce *qath'i al-'amal*. This is found in the ahad hadith and qiyas fiqhi. Imam Al-Juwaini acknowledged the existence of this problem. (Al-Juwayni, 1996; 430) **Sixth**, limiting the meaning of *qath'i* to that of Ushul Fiqh scholars can perhaps be made through the following division, (Mustafa al-Zilmi, 1996; 382) (a) Laws that cannot be established except by rational reasoning. Such as faith in the existence of Allah Swt, faith in the Prophets, the books of Allah Swt and others. This law cannot be established with naqli arguments without reason. Because the argument of naqli is the text of the shari'ah. And this is accepted by humans after they believe in Allah and the messenger, (b) Laws that cannot be established except with *qath'i* naqli arguments. This is found in the laws of faith relating to unseen matters, the laws of amaliyah relating to worship and morals. From here emerged the terms Ushul Fiqh ulama, *ma huwa ma'lum min al-din bi al-darurah*, *jalliyat al-syar'i*, *ummahat al-syarai'*, *ushul al-din*, and others, (c) Fixed laws with naqli arguments and reason arguments. These are the laws of amaliyah sharia which relate to the regulation of human life affairs.

***Qath'i* and *Zanni* in the Discussion of Ushul Fiqh**

The discussion of Ushul Fiqh regarding *qath'i* and *zanni* is divided into two methodologies. This is in accordance with the methodology for writing Ushul Fiqh, namely the mutakallimin (Syafi'iyah) methodology and the fuqaha' (Hanafiyah) methodology.

Mutakallimin is a group of thoughts found among Ushul Fiqh scholars. The division of Ushul Fiqh scholars into the mutakallimin and fuqaha' groups is due to their stance and methodology in determining the rules of Ushul Fiqh. And this happened during the development of Ushul Fiqh writing after Imam Syafi'i. The methodology for writing Ushul Fiqh is divided into two parts: **First**, a writing methodology that is not influenced by *furu'* fiqh. This writing only aims to explain the rules. Either this method can help the school of thought that follows it or not. This kind of writing methodology is called the Syafi'iyah

methodology or mutakallimin methodology, because in their conversation there is a discussion about the science of kalam. The Ushul Fiqh books written using this methodology include al-Mu'tamad by Abu al-Husayn Muhammad bin Ali, al-Burhan by Imam al-Haramayn al-Juwaini and the al-Mustashfa book by Imam al-Ghazali. (Abu Zahrah, t.th; 18-20) **Second**, a writing methodology influenced by school of Islamic jurisprudence. This writing aims to confirm the school of fiqh. This methodology is called the fuqaha' methodology or Hanafiyah methodology. The Ushul Fiqh books written using this methodology are the ushul Abu al-Husain al-Karkhy, the Ushul Abu Bakr al-Razy, Ta'sis al-Nazar by al-Dabusy, and the book Ushul al-Bazdawy. (Abu Zahrah, t.th; 18-20)

After these two methodologies became strong, Ushul Fiqh writing emerged which attempted to combine these two methodologies. Writing with an effort to combine these two methodologies was carried out by Ushul Fiqh scholars from the Syafi'i School and the Hanafi School. These include the books Jam' al-Jawami' by Tajuddin Abdul Wahhab al-Subky, al-Tahrir by Kamaluddin Ibn al-Humam, and Musallam al-Thubut by Muhibullah Abd al-Syakir al-Hindy. (Abu Zahrah, t.th; 18-20)

Majority mutakallimin spoke about *qath'i* and *zanni* globally, as did Imam Al-Juwaini. (Al-Juwaini, 1996; 99) And if there is a contradiction between *qath'i* and *zanni*, then the *qath'i* is taken, (Al-Thufi, 1997; 171) just as it is not permissible to throw away *ijma'* by only taking Sunday's hadith. (Abu Walid Al-Baji, 1989; 179) And *zanni's* strong arguments must be implemented. (Al-Qarafi, 1995; 86)

The concept of *qath'i* and *zanni*, a proposition explained by mutakallimin, can be understood as follows; a) the proposition of *qath'i* is a text which has a definite meaning and no longer has any *takwil*, b) the proposition of *zanni* is a passage which possibly has another meaning which will give rise to various *takwil* and changes.

The concept of Qath'i and Zanni in Usul Fiqh Methods

Some of the issues that Mutakallimin asked were whether the rules of Ushul Fiqh are *qath'i*? This was also stated by Abu al-Walid al-Baji. Imam Syatibi said that the rule of Ushul Fiqh in religious matters is *qath'i*. Because this method goes back to *kulliyat al-syari'ah* (the basics of sharia). Abdullah Darraz, the pentahkik of the book *al-Muwafaqat* by Imam al-Syatibi, explained that the word "*ushul*" can be meant with "*kulliyat*" which is also found in the Qur'an and hadith. These rules are also called propositions, such as the Qur'an, Sunnah, *Ijma'* and others.

The basic rules of sharia in the Qur'an are *qath'i*. Such as the rules taken from verses of the Qur'an, including *the al-Masyaqqah Tajlib al-Taisir* method, taken from the Qur'an, surah al-Baqarah, verse 185. Likewise the *al-Dharurat Tubih al-Mahzhurat* method, taken from al-Quran, surah al-Baqarah, verse 173. Likewise, the rules taken from the Prophet's hadith, such as the *al-mur bi Maqashidiha* method, are taken from the Prophet's hadith regarding intentions.

Readers of Ushul Fiqh can judge that the opinion of Qadhi Abu Bakr al-Baqillani who said that some of the problems of Ushul Fiqh are *zanni* is stronger. Because there are many differences of opinion on the issue of *ushul*. These include differences of opinion on the source of the evidence, such as *al-Masalih al-Murlahan*, *al-Istihsan*, *Syar' Man Qablana*, *Qaul al-Shahabah*, *al-Istishab*, and others. Differences of opinion also occur regarding *Qiyas* and *Ijma'*. (Yusuf al-Qaradawi, 1993; 144).

***Qath'i* and *Zanni* Concepts in Sharia Objectives**

Imam Al-Syatibi, who is an Ushul Fiqh scholar who talks a lot about the objectives of sharia (*al-maqasid al-syar'iyyah*) in his work *al-Muwafaqat*, is of the opinion that *al-kulliyat al-khams* originates from the basis of *qath'i*. Because Islamic law aims to realize the principles of *daruriyyat*, *hajjiyyat*, *tahsiniyyat*. (Yusuf al-Qaradawi, 1993; 144)

Nas and His Relationship with *Qath'i*

Nas, which is one of the terms in Ushul Fiqh, according to the majority of Mutakallimin, is lafaz which is understood to mean *qath'i*. (Al-Ghazali, 1997; 49) According to Ushul Fiqh scholars, *qath'i* texts are texts that do not accept takwil. And the text that *qath'i al-dalalah* is not included in the issue of ijtihad. (Abu al-Husayn al-Basri, 1982; 396) The *qath'i* text is also no longer a place for differences of opinion. (Abu al-Husayn al-Basri, 1982; 396)

The Concept of Qiyas Fiqhi and Qiyas *Qath'i*

Mutakallimin distinguishes between qiyas *qath'i* which they call *al-Burhan*, and qiyas *zanni* which they call Qiyas Fiqhi. For example, nabiz (a drink made from grape juice) is intoxicating, every intoxicant is haram, so nabiz is haram. If these two muqaddimah are accepted, then nabiz is haram. If the two muqaddimah (*maqis* and *hukm al-asl*) are *qath'i*, then we call this *qiyas al-burhan*. If the two muqaddimah do not reach the level of *qath'i*, then this qiyas is called *jadali*. If the two muqaddimah are *zanni*, then this qiyas is called *fiqhi*. (Al-Ghazali, 1997; 85) So, qiyas *zanni* has no place in *qath'i* matters. (Al-Ghazali, 1997; 306) This is also what Ibn Qudamah explained, (Ibn Qudamah, 1981; 22) this means that the qiyas fiqhi in Ushul Fiqh is *zanni*. (Al-Thufi, 1987; 320) However, some scholars do not call it qiyas, but they call it *mafhum al-muwafaqah*. And *mafhum al-mukhalafah* is interpreted as something that comes to understanding without needing to think first. (*Ibid*, 18) However, Ibn Hazm rejected qiyas fiqhi. He only accepted *al-Qiyas al-Burhani al-Mantiqi*. (Ibrahim Al-Hasani, 1995; 112)

Ghalabah al-Zann

Hanafiyah talks about the understanding of *ghalabah al-zann* when talking about legal position. Every strong law according to the mujtahid is considered a law that is fixed (certain) in the knowledge of Allah. The law of *zanni* which was considered to remain in the knowledge of Allah has changed to *qath'i*. (Ibrahim Al-Hasani, 1995; 112) This means that the law resulting from the ijtihad of a mujtahid occupies the position of *qath'i*, and for other mujtahids it occupies the position of *ghalabah al-zann* (strong opinion).

Orderly News

The Hanafiyah created a new methodology in assessing the transmission of a hadith, they divided it into three parts: **Firstly**, *mutawatir* news is news whose narrators at all times are countless number of narrators, and it is impossible for them to agree to lie, because their number is large, their nature is fair and they live in separate places. According to the Hanafiyah, the provisions of a law from this section occupy the place of *ilm al-yaqin*, and disobeying them is punished as infidelity. **Second**, *famous* news is a hadith quoted from the Prophet SAW by several narrators who may not agree to lie. However, the ulama received the famous news. The provisions of a law from this section are lower than *khobar mutawatir*, and occupy the level of *ilm tama'ninah al-qalb*. And denying it is not punished as infidel. **Third**, *khobar ahad* is an authentic hadith that does not reach the level of *mutawatir* and famous. This hadith cannot produce certain

knowledge, because its legal reasoning is taken from the *ghalabah al-zann* which is suitable for practice. (Ibrahim Al-Hasani, 1995; 112)

Ijma'

Hanafiyah believes that *ijma'* produces *qath'i* knowledge. and denying *ijma'* is an attempt to destroy religion. (Abu Bakr Al-Syarakhsi, t.th; 295) Imam al-Sarakshi emphasized that the *ijma'* of this people is proof, looking at the *ijma'* itself, not looking at the evidence for its determination. *Khabar al-wahid* and *qiyas* which are strengthened by *ijma'* will be able to produce *qath'i* knowledge. (Al-Syarakhsi, t.th; 295) In fact, the Hanafiyah are of the opinion that *al-ijma' al-ushuli* which produces the science of *qath'i* is not only specific to the time of the companions, but to every era and place. (Al-Syarakhsi, t.th; 295) Meanwhile, Hanafiyah divides *ijma'* into two parts: **First**, *ijma'* which produces *qath'i* law, even if the argument is not *qath'i*. This looks at the *ijma'* itself, not at the arguments. **Second**, *ijma'* which does not produce *qath'i* laws, even though the arguments produce *qath'i* benefits. This *ijma'* only strengthens the law. (Al-Taftazani, t.th; 14)

Khash and 'Amm

The majority of Ushul Fiqh scholars are of the opinion that *khash* is *qath'i*. The word *khash* (special) includes what is specifically *qath'i* without any doubt. Like the number of sanctions contained in surah al-Nur, verses 2 and 4. (Ali Hasballah, 1982; 161) Lafaz '*amm*' is divided into two parts. (Muhammad Adib Shaleh, 1984, 161) **First**, the pronunciation of '*amm*' in *takhshish*. Mutakallimin and fuqaha' agree that the '*amm*' who remains after *di takhshish* is *zanni*. **Second**, the pronunciation of '*amm*' which has not been *takhshish*. Mutakallimin and Abu Mansur al-Maturidi from the Hanafiyah ulama stated that the '*amm*' that has not been *takhshish* is *zanni*. Some Hanafiyah scholars such as Imam al-Karkhi and al-Jashshash say that the pronunciation of '*amm*' before *di takhshish* is *qath'i*. Like the punishment for cutting off a thief's hand in surah al-Ma'idah verse 38.

وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جِزَاءً بِمَا كَسَبَا نَكَالًا مِّنَ اللَّهِ وَاللَّهُ عَزِيزٌ حَكِيمٌ

Hanafiyah is of the opinion that a thief whose hand is cut off after the stolen goods are damaged is not obliged to pay compensation. Because cutting off his hand was retribution for all his mistakes. And the pronunciation of "ما" contained in that verse is '*amm*'.

The Language Between *Qath'i* and *Zanni*

Hanafiyah uses the terms *qath'i* and *zanni* in *dalalah* (indicative) language. Meanwhile, Ushul Fiqh scholars use it when explaining a proposition. Hanafiyah believes that it is *al-nash*. *Dalalah al-Nash* is the pronunciation of a law that is not mentioned in the text, because the law in the text explains a law that is outside the context of the text. *Dalalah al-Nash* is also called *mafhum al-muwafaqah*. (Mustafa Sanu, 205) (*mafhum al-muwafaqah* in Syafi'iyah terms) consists of *qath'i* and *zanni*. (Adib Shaleh, 1984, 161) The meaning of *qath'i* in *al-nash* according to Hanafiyah is a sharing of meaning (*al-ma'na al-musyarak*) between what is mentioned in the text, and what is not mentioned in it. Meanwhile, what *zanni* means here is that there may be several meanings outside the context of the text. (Adib Shaleh, 1984, 161)

Then, we can see in the *al-nash* that *qath'i* and *zanni* are in the examples of the following texts. (Adib Shaleh, 1984, 161) Like surah al-Isra', verse 23, namely, the prohibition against parents, which means the prohibition against harming parents in all

kinds of forms, is *qath'iyah*. Because this prohibition is known for certain and is supported by the command to do good to both parents, as mentioned at the beginning of the verse. Likewise, there is a hadith of the Prophet which explains the kaffarat of someone who has sexual relations between husband and wife during the afternoon of Ramadan. This hadith in *ibarah al-nash* shows the obligation to pay *kaffarat* for a man who intentionally has sexual relations with his wife during the afternoon of Ramadan. Because this action is a violation of fasting. From this *al-nash* it can be understood that eating and drinking intentionally during the day of Ramadan also violates the pillars of fasting, so it is mandatory to pay kaffarat. However, the obligation of kaffarat is caused by breaking the pillars of fasting, does not prevent the existence of another possibility, namely that the obligation of kaffarat is only caused by sexual relations between husband and wife, so, in *al-nash* here it can still be considered *zanni*.

CONCLUSION

After studying the concepts of the *qath'i* and *zanni* in Ushul Fiqh, both *mutakallimin* and *fuqaha'*, we can understand the basic instructions regarding *qath'i* and *zanni*, namely: **First**, the term *qath'i* is a special term used in matters relating to the main points of religion, the rules of the shari'a, and the main issues of '*aqliyah*'. That is what Imam al-Juwaini (1992; 756) emphasized. The term *zanni* also includes *far'iyat* (*furu'* problems) and *juz'iyat*. With this division it can be understood that the majority of *ushul* (main) issues are *qath'i*, and the majority of *furu'* issues are *zanni*. **Second**, the *mutakallimin* have two methodologies regarding the discussion of *qath'i* and *zanni*: (a) Building *al-istidlal* (search for evidence) on the basis of *mantiq* taken from Aristo's *mantiq*, (b) Forming *istidlal al-fiqh* on the basis of *qath'i*. This was the effort of Al-Juwayni, Al-Izz bin Abd Al-Salam, Al-Syatibi, Al-Qarafi and Ibn 'Asyur, known as *al-maqshid al-syar'iyah*. Even though there are differences between the Hanafiyah methodology and the majority of scholars in the science of Ushul Fiqh, the *qath'i* and *zanni* methodologies have been able to unite their thinking. For example, their assessments regarding *zanni khabar ahad* are similar.

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