

THE CONCEPT OF QATH'I ACCORDING TO ASY-SYATIBI IN THE KITAB AL-MUWAFQAT

Munadi

Institut Agama Islam Sultan Muhammad Syafiuddin Sambas
Email : munadi176176@gmail.com

ABSTRACT

This topic is written because the concept of qath'i introduced by Ash-Syatibi as contained in his book al-Muwafaqat is different from that conceptualized by Jumhur scholars. According to ash-Syatibi, that all fundamental premises (muqaddimah) in legal theory must be something that is clearly certain (qath'i), and these premises can be rational, conventional or revelation. In his book it is explained that there is no or very little verse of the Qur'an that is qath'i, if what is meant there is no other possible meaning for a while. The concept of qath'i developed by Ash-Syatibi has contributed significantly to the development of the science of Usul fiqh. Methodologically, asy-Syatibi developed his legal theory through inductive reasoning (istiqra') more broadly which was previously deductive. With the application of the induction method, the qath'i-an (certainty) of the meaning of a nashh is obtained through careful investigation of all Syar'i arguments that contain the same meaning so that the meaning is no longer zhanni but increases to mutawatir Ma'nawiyah and is named qath'i al-Dilalah.

Keywords: *Qath'i, Inductive, Mutawatir Ma'nawiyah, Qath'i Al-Dilalah.*

INTRODUCTION

This topic is written because the concept of *qath'i* introduced by Ash-Syatibi as contained in his book al-Muwafaqat is different from that conceptualized by Jumhur scholars. Abdul Wahhab Khallaf cited the verses of *qath'i* in the detailed *nash* law which according to him the verses of *qath'i* cannot be further interpreted and the verses of *qath'i* cannot be understood except for the understanding of the meaning arising from the verse. As in QS. An-Nisa: 12 which details the division of inheritance.

The verse is *qath'i*, if the husband's part (when left to die the wife) under similar circumstances gets a share of one-second, and cannot be understood by any other kind. Another verse categorized as *qath'i* is QS. 2: 228 on criminal sanctions for adulterers, both male and female. This verse is *qath'i* meaning that the had of adultery is no more and no less than 100 times *dera*. Likewise, every *nash* who explains the passage in the matter of inherited property, or the had in punishment, also regarding *nishab*, all of it has been restricted.

Meanwhile, *nash* is a *nash* that indicates meaning, but allows it to be conquered or changed from its original meaning to other meanings such as lafaz *quru'* in QS. Al-Baqarah: 228. The word of *quru'* in the verse can mean

clean and dirty (menstrual period). The *nash* informs that the women who are rejected must wait three times for *quru'*. Thus, two senses will arise, namely three times clean or three times dirty. There is such a possibility, then the verse is not said to be *qath'i*. In this regard, the mujtahid priests differed in opinion about the waiting period (*iddah*) for divorced women, some said three times clean and some said three times menstruation (Abdul Wahhab Khallaf, 1996).

Examples of the above *qath'i* verses are found in many of the literatures of the proposed fiqh whose understanding uses conventional methods, *lugawi* or linguistic approaches. Some modern thinkers consider that the weakness of this approach is that it is partial, atomistic so that it can give birth to a rigid, inflexible legal product because the already detailed verses of the law are *qath'i* verses that give no room for reinterpretation. Therefore, the author tries to examine the concept of *qath'i* offered by asy-Syatibi as stated in the kitab al-Muwafaqat.

RESEARCH METHOD

This research is a qualitative research, with the type of research used is library research, namely the study of literature of various references that are relevant to the subject matter of the discussion (Salim and Erlies Septiana Nurbani, 2016) about the *qath'i* concept offered by Asy-Syatibi. The concept of *qath'i* was offered asy-Shari'a as he set out in his magnum opus entitled Kitab *al-Muwafaqat fi Ushul asy-Shari'ah*, which became the main reference in this study, and some of the literature relevant to this study, was later analyzed with several comparable books and books as well.

RESULT AND DISCUSSION

The concept of *Qath'i* in al-Muwafaqat

According to asy-Syatibi, that all fundamental premises (*muqaddimah*) in legal theory must be something clear (*qath'i*). and those premises can be rational, conventional or revelation. In the human mind, there are three categories of objects, namely inevitability, possibility and impossibility. The same is true of conventional premises. The premises in the form of *nash* also have a clear certainty, because they have the same meaning and because they are narrated by the crowd either in the form of *tawatur ma'nawi* or *tawatur lafzi*, (Hallaq, 1990) or furthermore, through a careful investigation of the entire *nashh-nash syar'i*.

Asy-Syatibi in al-Muwafaqat, writes that there is not or is rarely something certain in the postulate of *syara'* that corresponds to the popular usage (term) (Amir Muallim – Yusdani, 1997). For asy-Syatibi, revelations illustrated in the form of *nash* especially those relating to verses of the law

are very rare which fall into the category of *qath'i al-dilalah*. Asy-Syatibi in his book asserts that there are no or very few verses of the Qur'an that are *qath'i* in nature, if what is intended is that there is no other possible meaning for a recitation at the time of standing alone (Asya-Syatibi, tt). *Qath'i*, however, can arise from a set of postulates that contain the same meaning. The collection of the same meanings of diverse postulates gives its own strengths of different meanings if it stands alone. The power of the set has become no longer valid, but has increased to *mutawatir maknawiyah* so that it is named *qath'i ad-dillah* (Asya-Syatibi, tt). And to obtain *mutawatir lafzhi* so that it comes to a definite meaning requires the premises (*muqaddimat*) which of course must be *mutawatir*. The *Muqaddimat* in question is what is known as *al-ihthimalat al-Asyrah*, namely:

1. Linguistic history.
2. History related to grammar/grammatics (*nahw*).
3. History containing word changes (*sharf*)
4. The redaction in question is not a word of a dual nature.
5. Does not contain a transition of meaning (*ta'wil*).
6. The editor is not metaphorical (*majaz*).
7. Not an insert (*idmar*).
8. Not prefixes and suffixes (*taqdim and ta'khir*)
9. Not annulment of the law (*nashakh*).
10. Does not contain logical rejection (*adam al-muarid al-aql*).

The first three are all of them are *zhanni* because the histories that concern these things are all Sunday. The remaining seven can only be known through *al-Istiqra' at-tam* (the perfect inductive method), and this is impossible. All that can be done is *istiqra' an-Naqis* (imperfect inductive method) and this does not produce certainty. In other words, what is produced is something that is *zhanni* (Nuruddin, 1997).

Based on the aforementioned asy-Syatibi opinion, it certainly leads us to conclude that there is nothing *qath'i* in the Qur'an. And how is the process that a law goes through which it is lifted from *nash* so that it is ultimately named *qath'i*.

According to asy-Syatibi furthermore, the "certainty of meaning" (*qath'iyyah ad-dalalah*) of a *nash* arises from a set of *zhanni* postulates all of which contain the same possible meaning. The gathering of the same meanings of the variegated postulates gives its own "power". This is ultimately different from the state of each of those postulates when it stands alone. The power of the set makes it no longer *zhanni*. It has risen to a kind of *mutawatir ma'nawi*, and thus it has been named as *qath'i ad-dilalah*.

It can be exemplified, for example, the certainty of the certainty of the mandatory *fardhu* prayer. If attention is only paid to the *nash* of the Qur'an which reads "*wa aqimu-al-salah*", then this *nash* does not necessarily point to the obligatory prayer, even if the redaction is in the form of an order. Because many verses of the Qur'an use the redaction of commands but are judged not to be mandatory commands. This certainty comes from an understanding of other *nashs* that, even with different editors or contexts, it is agreed that they all contain the same meaning. In the example above, there are many verses or *hadits* that explain, among others, the following:

1. Praise to those who pray.
2. Reproach and threats to those who underestimate or abandon it.
3. An order to the mukallaf to carry it out in a state of health or illness, peace or war, in a state of standing, sitting or lying down when uzur and even with gestures.
4. The experiences known for generations of the Prophet SAW, his friend, and the generations after him who never left him.

The collection of *nashs* that give these meanings, which are then agreed upon by the devotees, gives birth to the opinion that the exact fragment of the *aqimush-shalah* verse or *qath'i* contains the obligatory prayer. It was also agreed that no other possible meaning could be drawn from it.

Thus, in the view of asy-Syatibi, the verses of the Qur'an that fall into the category of *qath'i ad-dalalah* are the verses that concern the *proposal of al-sharia* which are the main teachings of the Islamic religion, namely worship such as prayer, zakat and hajj, the command of upholding the *makruf* and preventing the *mungkar*, upholding justice and the obligation to purify oneself from *hadas* (Asya-Syatibi, tt). In addition, included in the group of *qath'i* verses are verses that talk about *akidah*, morals and some *muamalat* issues (Firdaus, 2022).

The placement of these verses in the category of *qath'i* is against the background of the consideration that the teachings contained in the verse include religious (essential) points that are *tsawabit* (fixed) and not *mutagayyirat* (change), due to changing times in human life. If the words of the verses fall into the category of *zhanni* which are the object of *ijtihad*, there will certainly be instability in religion and it is very likely to undergo changes. Therefore, never in history has the school of *fiqh* appeared in the *qath'i* verses, but in the *zhanni* verses.

Asy-Syatibi further stated that the *maqasid of sharia* in establishing sharia which includes *daruriyyat*, *hajiyyat*, and *tahsiniyyat* is based on *qath'i* postulates because all three are *ushul sharia*, even it is a *proposal of sharia*. Logically, if the sharia proposal is determined under the pretext of *qath'i*,

then the sharia proposal is mainly determined by the *qath'i* pretext. in other words, the proposal of sharia is also stipulated by the *qath'i* verses.

Although Syatibi does not state which *qath'i* verses are directly related to *daruriyyat*, *hajiyyat*, and *tahsiniyyat*, it is assumed that the verses that support the realization of the three that are summed up in the maintenance of the five main things, namely religion, self, reason, descent and treasure are *qath'i* verses. for example, the proposition of al-worship which includes faith, chanting shahadatain, prayer, fasting, zakat and hajj aimed at the maintenance of religion is established by the verses of *qath'i*. (Firdaus, 2022).

The Author's Response to Asy-Syatibi Thought

What asy-Syatibi did in responding to the *nash-nash* of the Qur'an which has no certainty of meaning through the concept of *tawatur lafzi* and *tawatur maknawi* has actually been developed by al-Gazzali through linguistic interpretation methods and hadith authentication methods even literally the examples he put forward are the same (Syamsul Anwar, 2001). The difference is, that asy-Syatibi further extends the conception through inductive reasoning. The epistemological basics of the theory he put forward are no longer in the hadiths of *mutawatir* or *nash* of the Qur'an, but in comprehensive research on all postulates, be it in text form or others. The inductive method (*istiqra*) developed by Asy-Syatibi in constructing the concept of *qath'i* has opened up a new paradigm in Islamic legal thought in the Asy-Syatibi era. A Middle-Century tradition that adheres to the idea of optimism (Ainurrafiq, 2002) language can influence Islamic legal theorists in establishing *qath'i-zhanni* postulates. So that the tendency to understand the meaning of the law in each text is dominant using a *lugawi* (linguistic) approach.

Even methodologically, Asy-Syatibi has inspired many modern thinkers in addressing the text of the Qur'an that the *qath'i* issue does not understand textually. Fazlur Rahman (1965), for example, who offers the concept of double movement, Mahmud Shaltut with the model of *muqaranah al-mazahib*, Yusuf Qardhawi (tth) with the approach of *ijtihad intiqai* and *insha'i*, Ali Shari'a with its text and context, Muhammad Muhammad Taha and Abdullah Ahmed an-Naim with a new model *nashakh* (Mahmoud Muhammad Taha, 1987). in addition, Hasan Hanafi, offering his traditions and renewal (*at-turats wa tajdid*), (A.H. Ridwan, 1998) *Nashr* Hamid Abu Zayd (1994) with the theory of *ta'wil and takwin*, Mohammed Arkoun (1994) by way of logocentrism through three important sciences; linguistics, history, and anthropology, al-Jabiri with models of *bayani*,

burhani, and irfani, (Muhammad Abid al-Jabiri, 1990) and Muhammad Shahrur with his *hudud* theory (Muhammad Syahrur, 1992).

Criticism of Syatibi

Although asy-Syatibi has sought to develop the concept of *qath'i* through an inductive, rather than literal understanding of divine sources, asy-Syatibi has not been fully able to free itself from the literal hermeneutics that have so clearly absorbed the thinking of theorists in pre-modern times. It is stated by Asy-Syatibi that if there is a conflict between revelation and reason then what is won is revelation and it is not justified for reason to do reason except according to revelation. In al-Muwafaqat, Asy-Syatibi asserts; (Asya-Syatibi, tt)

اذتعارض النقل والعقل على المسائل الشرعية فعلى شرط ان يتقدم النقل فيكون متبوعا ويتاخر العقل فيكون تابعا فلا يسرح العقل في مجال النظر الا بقدر ما يسرجه النقل

In line with this statement, Hallaq revealed that in his fatwas, asy-Syatibi was also sometimes still very loyal to the positive law doctrines of his sect. (Wael B. Hallaq, 1997) The inconsistency of Asy-Syatibi which on the one hand his legal thought is very liberal because of Aristotle's use of logic especially the widespread reasoning of induction as can be seen in his work al-Muwafaqat, and on the other hand very traditional because of his loyalty to the doctrines of his school in practice, is understandable. Because of his social, political background and legal developments at that time were quite well established, even Maliki became a state school causing asy-Syatibi's efforts to make a breakthrough become less meaningful. His radical thinking was precisely Asy-Syatibi labeled as a spreader of heresy (Asy-Syathibi, ed. Rasyid Rida, 1915; Muhammad Khalid Mas'ud, terj. Yudian W. Asmin, 1995) and eventually had to be examined in court for the allegations. And Asy-Syatibi is not the only theorist who has gained the condemnation of his contemporaries and the formidable challenge of being faced with a situation or condition that is contrary to the thinking that exists around him. It is *sunnatullah* that building a change must be supported by many factors, both social, cultural, and political.

Concluding Remarks

The concept of *qath'i* developed by Asy-Syatibi has made a significant contribution in the development of the Science of Proposed fiqh. Methodologically, Asy-Syatibi developed his legal theory through inductive

reasoning (*istiqra*) more broadly which was previously deductive. With the application of the induction method, the keqat'ian (certainty) of the meaning of a *nash* is obtained through careful investigation of all the *syar'i* postulates containing the same meaning so that the meaning is no longer valid but increases to mutawatir ma'nawiyah and is named *qath'i ad-dilalah*.

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