Asjmuni Abdurrahman's thoughts on the hadiths of legal status (Aḥādīth al-Aḥkām)

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ABSTRACT

This research examines the thinking of a Muslim scholar, Asjmuni Abdurrahman, in his capacity as an expert on fiqh and uṣūl al-fiqh, especially his ideas relating to hadiths of legal status (aḥādīth al-aḥkām). This type of research is a literature study with a qualitative approach. Research data collection techniques use documentation methods that are then processed and analyzed using descriptive-analytical methods. The primary data sources used are the book "Manhaj Tarjih Muhammadiyah: Metodologi dan Aplikasi" and the book "Memahami Makna Tekstual, Kontekstual & Liberal". This study showed that hadith can be reviewed from two things, namely sanad and matan. In sanad aspect, only the hadith of ṣaḥīḥ and ḥasan can be used as a legal basis, be it mutawātir or āḥād. The Matan aspect can be understood through the method of uṣūl al-fiqh; if the hadith is related to ta'abbudi then it is understood textually, whereas if in anything other than ta'abbudi then it can be understood contextually. To contextualize the hadith, according to Asjmuni, there are several steps; (1) a hadith must be understood in an integrated manner with other evidence; (2) when the hadith contains 'illah, then a hadith must be sought 'illah, in order to be contextualized. The contribution of legal hadith thought from Asjmuni is found in his writings which contains fatwas on the legal status based on the Qur'an and hadith. These fatwas were issued by Asjmuni through Kedaulatan Rakyat newspaper for 24 years. In addition, in his capacity as chairman of the Muhammadiyah Tarjih Assembly, he also influenced the fatwa results of the assembly, especially fatwas in the book of Tanya Jawab Agama volumes two, three, and four.

Introduction

Since the second-century Hijri appeared the hadith codification books, amongs Saheeh al-Bukhaari, Saheeh Muslim, Sunan Tirmidhi, and others. We often hear the terms *ṣaḥīḥain*, *al-Kutub al-Sittah* and *al-Kutub al-Tis'ah*. The majority of scholars agree on the five hadith books covered in *al-Kutub al-Sittah*. Their difference is only in the sixth book, whether *Sunan Ibn Majah*, *al-Muwaṭṭa'*

or *Sunan ad-Darimi*. No matter how different they are in determining the sixth book, they still agree with the five hadiths that reference the determination of the law (*Istinbāṭ al-ḥukm*) (Fatkhi, 2012: 104).

The hadiths codified in the second century Hijri are divided into four types of books: *Sunan, Muṣannaf, Jami'* and *Musnad*. The first three types have something in common in the form of their tendency to fiqh issues that were indeed the Islamic community's needs at the time. The emergence of hadith books indicates that *fiqh*'s issue strongly influenced the codification of hadith in the second century (Fauzi and Ayub, 2019). It is apparent from the formulation of chapters in the hadith books arranged based on *fiqh*'s themes (Fatkhi, 2012: 104).

As seen in the five types of hadith books, the tendency of *fiqh* has been around since the first century of Hijri, even since the time of the companions. After the death of the Messenger of Allah, the companions, who were pioneered by Abu Bakr and 'Umar, narrated only fatwas obtained from his wives and decisions relating to the law. Therefore, the tendency of fiqh of narrating hadith is also one of the factors underlying the *ijtihād's* companions (Hudhari Bik, 1981: 108-115).

The above explanations indicate that *fiqh* and hadith are two things that are interconnected and inseparable. *Fiqh* cannot be realized without hadith and sciences related to it. Likewise, hadith cannot be applied correctly without going through *fiqh*. Thus, the two are interconnected and inseparable. It can be said that the scholars of *fiqh* contribute significantly to the scholars of hadith (al-Ghazali, 1989: 25).

Research on the issue of hadith in Indonesia is often done against hadith experts only. In fact, in the issue of hadith, the scholars of *fiqh* and *uṣūl al-fiqh* are also deserved to be examined. This is because they are the ones who applied the hadith in the framework of Islamic law at the time of the *ijtihād*. In other words, they are the one who has the legal authority in doing *ijtihād*.

Asjmuni Abdurrahman was the professor of UIN Sunan Kalijaga Yogyakarta in 1996, chairman of the Council of Tarjih Muhammadiyah in 1990-1995, chairman of the Indonesian Ulama Council of The Special Region of Yogyakarta in the period 1995-2000 and a series of positions both formal and non-formal. Besides, his many books and works in Islamic studies are also evidence that Asjmuni is an expert in Islamic studies, especially *fiqh* and *uṣūl al-fiqh*. With this, it is interesting to know how the thought of the hadith of Asjmuni is mainly related to Islamic law.

Method

This type of research is a literature study with a qualitative approach. Research data collection techniques use documentation methods that are then processed and analyzed using descriptive-analytical methods. The primary data sources used are the book "Manhaj Tarjih Muhammadiyah: Metodologi dan Aplikasi" and the book "Memahami Makna Tekstual, Kontekstual & Liberal".

Discussion

Biography

Asjmuni Abdurrahman was born as the second child of Abdullah Siradj and Siti Ramlah (Yusuf, 2001: 5), on December 10, 1931 AD. He was born not in the middle of a city. His homeland, Dusun Kloron, Village Bawuran, District Kotagede Surakarta (SKA), is far away and alienated from the surrounding community. Its location on the east side of Opak River makes it difficult for its people to access communication or transportation with the city of Yogyakarta. It brings the stigma that the "Wetan Kali" community is isolated and left behind compared to the "Kulon Kali" community. It is in such socio-cultural situations that Asjmuni was born (Siradj dkk, 2011: 33).

His father, Abdullah Siradj, was a kyai who also owned boarding schools (pesantren) in his village. Siti Ramlah, who is the biological mother of Asjmuni Abdurrahman, is a prominent figure. As a child, Asjmuni received religious teaching from his parents. His grandfather is a Village Head. It can thus be known that he was born of honorable and distinguished descent. Asjmuni married Siti Chasanah, an activist of Aisyiah Yogyakarta„on June 13, 1960 AD. At that time Asjmuni was 28 years old. Her marriage to Siti Chasanah gave birth to three children, Muhammad Mulyadi AgusWidodo, Siti Rahayu, and Yasrin Nur Fajriyati.

After being dissatisfied with the knowledge gained from his parents, Asjmuni studied at Wonokromo boarding school. He studied the Qur'an very diligently to kyai Hidayat, who later met in madrassa Ma'had Islamy Kotagede as a fellow teacher. Then he moved again to Watucongol Muntilan boarding school, led by KH Dalhar. While in the cottage, he studied Tafseer Jalalain until completion. After that, he continued by studying at Maron Purworejo boarding school, which was taken care of by kyai Marzuki, and learned Arabic in it (Azhari, 2007: 159).

In addition to his education in boarding schools, he also attended formal education, among others: Sekolah Rakyat (SR) Wonokromo graduated in 1943, Madrasah Muallimin Muhammadiyah Yogyakarta graduated in 1947, Sekolah Guru Hakim Agama (SGHA) Surakarta/Yogyakarta from 1947 to 1953, Fakultas Syariah IAIN Sunan Kalijaga Yogyakarta, bachelor's degree in 1957-1963, Post Graduate Cours Fiqh in 1971 and Sekolah Staf Pimpinan Administrasi (SESPA) Department of Religion, Jakarta, graduated in 1978.

Asjmuni Abdurrahman has a career in academic and non-academic. His academic career began in 1964 as a lecturer in Sharia Faculty at IAIN Sunan Kalijaga. In the same year, he was mandated to be Dean I of Sharia Faculty until 1972 as another concurrently became Head of the Department of Qaḍā' from 1971-1975 (Firmansyah, 2017: 95).

His career as an academic continued to rise, reaching the peak of his career in 1974 when he was appointed Assistant Rector II IAIN Sunan Kalijaga for six years, namely until 1980. After finishing as Assistant Rector II, he served as Dean of Sharia Faculty from 1980 to 1984.

In addition to being a lecturer at IAIN Sunan Kalijaga, Asjmuni Abdurrahman was also mandated to be a lecturer in various universities, among others (Siradj, 2011: 45):

a. Lecturer of Islamic Studies in Akademi Gula Negara in 1964-1975.

b. Lecturer of Sharia Faculty of Indonesia Islam University (UII) from 1968.

c. Lecturer of Sharia Faculty of Universitas Cokroaminoto Lecturer of Sharia Faculty of since its establishment until 2010.

d. Lecturer of Sharia Faculty of Universitas Sultan Agung (Unisula) Semarang.

e. Lecturer of Faculty of Islamic Studies of Universitas Muhammadiyah Surakarta (UMS).

f. Teacher at Shabran Boarding School UMS.

Asjmuni's academic career as a lecturer reached its peak when he was appointed Professor of Islamic Law at the Faculty of Sharia IAIN Sunan Kalijaga. The confirmation took place at a senate hearing on May 25, 1996, based on "Surat Keputusan Presiden RI Nomor 15K-1991". In the inauguration, Asjmuni delivered a speech entitled "Sorotan Terhadap Beberapa Masalah Ijtihad". In 2001 he was appointed as Professor of Islamic Law and Islamic Banking at the Faculty of Law UII.

Besides being busy in the formal academic field at various well-known universities in Indonesia, Asjmuni is incorporated in several community organizations, such as Muhammadiyah and Majelis Ulama Indonesia (Indonesian Ulema Council), both in Special Region of Yogyakarta Province and national. His activities in these organizations kept him very busy. In addition to having to travel around various mosques in the Special Region of Yogyakarta to give Islamic lectures (ceramah or pengajian), he must also lead meetings and attend various internal and external organization events (Siradj, 2011, 50).

The busyness of Asjmuni da'wah becomes more crowded than usual when it comes to Ramadan. In Ramadan, he gave Islamic lectures in front of Special Region of Yogyakarta of provincial government officials in the framework of Tarawih Keliling or commonly abbreviated to "Tarling". Also, he delivered Islamic lectures at TVRI Stasiun Yogyakarta and RRI (Radio Republik Indonesia) Nusantara II. More than that, because of his experts in Islamic law, he was also mandated to nurture the rubric of Islamic Question & Answer in "Kedaulatan Rakyat" newspaper in a column "Asjmuni Menjawab" since 1996.

In Muhammadiyah, Asjmuni initially served in the Tabligh Assembly from 1970 to 1975. During those five years, he traveled around giving insight into Muhammadiyah in various regions, both in Java and abroad. In 1975 he was active in the Tarjih Assembly until in 1985 he was given the responsibility as Vice Chairman of the Tarjih Assembly for five years (1985-1990).

Asjmuni served as Vice Chairman of the Tarjih Assembly for five years, which was chaired by KH. Ahmad Azhar Basyir. In 1990 KH. A. Azhar Basyir was elected chairman of Muhammadiyah, so Asjmuni was made Chairman of the Tarjih Assembly from 1990 to 1995. During his leadership,

many issues had to be discussed, such as emancipation issues, Family Planning Programs (KB), etc. Despite having a high position in Muhammadiyah, he still actively participated in the Muhammadiyah branch of Gondokusuman. Asjmuni actively built branches until he could build ABA Kindergarten, SD Muhammadiyah Sapen, then pioneered Pengajian Tafsir of after dawn at al-Falah Gendeng mosque.

Asjmuni is a prolific figure. Among the works he has written are (Firmansyah, 2017: 102): Qaidah Fiqh, Pengantar Kepada Ijtihad, Kedudukan Adat Kebiasaan dalam Hukum Islam, Metoda Penetapan Hukum Islam, Pencangkokan dalam Sorotan Hukum Islam, Manhaj Tarjih Muhammadiyah, Metodologi dan Aplikasi, Memahami Makna Tekstual, Kontekstual dan Liberal, Mahkamah Konstitusi Sejarah, Tugas, Wewenang dan Strukturnya dan Badan Arbitrase Syariah Nasional, Perspektif Ilmu Pengetahuan dan Teknologi dari Sudut Pandang al-Qur'an, Penanggulangan AIDS Ditinjau dari Agama Islam, Muhammadiyah (Tajdid Pendidikan dan Ulama), Perkembangan Pemikiran Ilmu Fiqh dan Pranata Sosial.

Asjmuni Abdurrahman's Thoughts

Asjmuni has many works, among which are *"Manhaj Tarjih Muhammadiyah"* and *"Memahami Makna Tekstual, Kontekstual dan Liberal"*. From both of his works it can be known his thoughts relate to the hadith of legal status (*aḥādīth al-aḥkām*). The general thought is that the Prophet's hadith, in addition to being a descriptor and perinci for the Qur'an, can also be the foundation of the law and can establish new laws that have not been established by the Qur'an.

Hadith that can be used as argument based on sanad

- *Based on the Quality of Hadith Sanad*

Asjmuni states that the main sources of Islam are the Qur'an and al-Sunnah al-Ṣaḥīḥah. This opinion is in line with what Muhammadiyah believes and decides. Nevertheless, he describes what al-Sunnah al-Ṣaḥīḥah means. Asjmuni explains the meaning of al-sunnah al-ṣaḥīḥah which was driven by Muhammadiyah and agreed by him. The meaning of al-Sunnah al-ṣaḥīḥah is not what it means generally in hadith sciences . However, it is defined by Sunnah Maqbūlah; the Sunnah is acceptable as a proof of law (Abdurrahman, 2012: 183). In terms of its authenticity, the hadith is divided into three, namely the hadith of ṣaḥīḥ, ḥasan and da'īf. A hadith can be expressed ṣaḥīḥ when fulfilling five things, namely: The sanad is continuous, narrated by a narrators (rawi) who possesses moral and spiritual qualities and has a high thoroughness, free from awkwardness (shadz), and free from defects ('illah) (Nur Kholis, 2008).

Under the ṣaḥīḥ hadith, there is a hadith ḥasan that has almost the same criteria as the hadith of ṣaḥīḥ. The difference is that only the narrators is less proficient in its intelligence and memory

when compared to the hadith of ṣaḥīḥ. Hadith ḥasan also has two kinds, namely ḥasan liżātihi and ligairihi. What has just been explained is the definition of hadith ḥasan liżātihi. While the hadith ḥasan ligairihi is a hadith that is actually weak, but the level of weakness is not severe, there is a strong indication that the hadith is from the Messenger of Allah, the hadith is in accordance with the basic rules of religion, and it has many sanad. Under the hadith of ḥasan, then there is a weak hadith which is defined by the hadith scholars as hadiths that do not qualify the hadith ṣaḥīḥ and ḥasan.

Classical scholars used to divide hadiths into only two, namely ṣaḥīḥ and da'īf. According to their division, the hadith referred to as hadith ḥasan is in the category of weak hadith. So the weak hadith is multi-tiered; some are accepted because the level of weakness is not too severe and there are reasons that require to accept it. In conclusion, the only acceptable hadiths as evidence of argument according to Asjmuni are Ḥadīš Ṣaḥīḥ li Żātih, Ḥadīš Ṣaḥīḥ li Gairih, Ḥadīš Ḥasan li Żātih, and Ḥadīš Ḥasan li Gairih.

- ***Based on the Quantity of Hadith Sanad***

In the quantity of sanad, hadith can be categorized into mutawātir and āḥād. In his book Manhaj Tarjih Muhammadiyah, Asjmuni explained the definition of mutawātir hadith as hadith narrated from one generation to the next, and the narrators reached a vast number that they impossibly agree to lie in the narration of the hadith. According to Asjmuni, mutawatir hadith can be used as ḥujjah in the matter of belief, especially in the matter of aḥkām.

He was the head of the Tarjih Muhammadiyah Assembly at the time, saying that Muhammadiyah also believed this. However, it must be acknowledged that there are still āḥād hadiths and even weak used in kitāb al-īmān, in the book Himpunan Putusan Tarjih Muhammadiyah. He commented that the āḥād hadiths contained in the kitāb al-īmān were not in substance but only about the introduction. According to him, this is understandable because it was formulated 70 years ago which at that time was very difficult in obtaining reference books of hadith, such as the Kutub al-sittah and rijāl al-ḥadīs. In the end, he suggested doing a re-examine of the hadith in Himpunan Putusan Tarjih (Abdurrahman, 2012: 200).

In addition to the mutawātir hadith, there is also a hadith āḥād. It is a hadith narrated by those who do not reach the degree of mutawātir. This type of hadith in the provisions of uṣūl al-ḥadīs produce knowledge that is ẓanni (Abdurrahman, 2012: 103). In contrast to mutawātir hadith, this hadith can be used as a basis in legal matters only. According to the majority of scholars and also believed by Muhammadiyah, āḥād hadith can specialize in general Qur'an verses. Nevertheless, Asjmuni, in his book, states that general evidence cannot be specified, except with the same or more potent evidence of specificity in terms of ẓanni and qaṭ'ī (Abdurrahman, 1986: 69). In his other

book, after explaining Muhammadiyah's understanding of the ability of āḥād hadith specializing verses of the Qur'an, he gave a concluding that in the matter of the specialization of the Qur'an with this āḥād hadith needs to be reconsidered.

Ta'āruḍ al-Adillah

In determining the legal status, a mujtahid must rely on the Qur'an and al-Sunnah. When it comes to making Hadith as evidence (dalil), the first research on Hadith is done to know whether it is acceptable or not. To assess the quality of a hadith, there are two ways: examining the aspect of sanad first and then examining the matan aspect. Furthermore, if the sanad is examined and considered valid and robust and not weak, then examined its matan (Ayub, 2018).

In assessing the Hadith, it is necessary to know the hadith narrators' identity since mukharrij to the companions. It is done to ensure that the Hadith is a maqbūl hadith. After the Hadith is examined, sometimes the Hadith is entirely at odds with each other. In that case, mujtahid faced the problem of ta'āruḍ al-adillah (Abdurrahman, 2012: 203). The definition of ta'āruḍ al-adillah as conveyed by Ali Hasballah in his book Uṣūl al-Tasyrī' al-Islāmī is:

> "Ta'āruḍ is when one of the same pieces of evidence in the degree, contains provisions that conflict with other provisions, such as two verses or hadith mutawātir, or two hadiths āḥād or two qiyas containing different provisions from each other."

If it is detailed, then ta'ārud al-adillah it happens when there are elements:

a. There are two or more pieces of evidence.
b. The pieces of evidence are in the same degree.
c. It contains the contents of different.
d. Conflicting arguments are still in the same issue.
e. Require the same legal status at a time.

In the matter of ta'arud al-adillah, not all scholars have the same view in resolving it. They generally differ in prioritizing which method should be first taken, whether nasakh, al-jam'u wa al-taufiq, or tarjīḥ. The method often carried out by the scholars, and this is following the provisions of verse 82 of surah al-Nisā', is al-Jam'u wa al-Taufīq. It means that compromising and bringing together the evidence's contents must be prioritized to eliminate the seeming opposition. After the method cannot be done, it is only done other methods such as nasakh or tarjīḥ.

In operating the al-jam'u wa al-taufīq method can be used in the following steps:

a. Determine the problem that the solution will be looking for.
b. Determine the one evidence as mukhaṣṣiṣ against the 'ām evidence.
c. Determine which evidence is taqyīd from the muthlaq.
d. Determine the understanding of each of the two different pieces of evidence.
e. Set each legal status on different issues.

If it is not possible to compromise after doing al-jam'u wa al-taufiq, it is done nasakh or tarjīḥ.

Ta'līl al-Naṣṣ (Hadith)

Scholars have long done the understanding of Hadith based on the background of events or commonly called sabab al-wurūd. Infact, Asjmuni quoted al-Dahlawi's opinion in his book Ḥujjah al-Bāligah, which says that Hadith's understanding was based on 'illah or ḥikmah has been going on since the days of the companions (Abdurrahman, 2012: 169).

The understanding of Hadith in a way that is not textual, but also understood based on the cause ('illah), can be seen from the explanation that has been done by Maḥmūd Syaltūt in his book al-Fatāwā. For example, in the book, it is explained that in understanding the Hadith about maintaining a beard. In that case, the scholars dissented. The difference of opinion is that some scholars understand the hadiths about beards based on the cause ('illlah), while other scholars understand it textually.

According to Maḥmūd Syaltūt, the Prophet's command on how to dress or look, such as bearded, is the size of good and bad depending on the customs and environment of each (Syaltūt, 1987: 198), not based on Religion. Thus the person who is not bearded cannot be considered imperfect in religion or does not follow the Prophet, Muhammad. This is also what Asjmuni Abdurrahman agreed in seeing the text of Hadith, which is to be seen the cause ('illat) from the Hadith.

Understanding Evidence in Unified Manner

In the previous discussion stipulated that according to Asjmuni hadith is the second source after the Qur'an. It is based on surah al-Nisā verse 59:

يَا أَيُّهَا الَّذِينَ آمَنُواْ أَطِيعُواْ اللّهَ وَأَطِيعُواْ الرَّسُولَ وَأُوْلِي الأَمْرِ مِنكُمْ فَإِن تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللّهِ وَالرَّسُولِ إِن

كُنتُمْ تُؤْمِنُونَ بِاللّهِ وَالْيَوْمِ الآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلاً – ٥٩–

O you who have attained to faith! Pay heed unto God, and pay heed unto the Apostle and unto those from among you who have been entrusted with authority; and if you are at variance over any matter, refer it unto God and the Apostle, if you [truly] believe in God and the Last Day. This is the best [for you], and best in the end.

The word أطيعوا الله explained that the first source of Islam is the Qur'an. Then the next word

أطيعوا الرسول is an order to obey the Prophet who in this case is following the Sunnah and making it

the source of Islam after the Qur'an.

Asjmuni explains the meaning of one of the points of Manhaj Tarjih in the chapter uṣūl al-fiqh

in point 10, namely: "The use of evidence to establish a law is done comprehensively, intact, round and inseparable". According to Asjmuni, the meaning of the formulation is that in seeking the legal provisions of a problem that we face, we must gather the evidence related to the problem, both from the verse of the Qur'an and al-Sunnah. It should be avoided the use of evidence from the Qur'an only, while on the other hand, there is a hadith related to the problem. Besides, it is also necessary to avoid using one-two evidence directly related, although other evidence is not directly related. Then it is also necessary to avoid the use of evidence containing the command only, while at the same time, there is evidence containing prohibition or permissible (Abdurrahman, 2012: 99).

Asjmuni exemplifies the problem in his book through the legal problems of drawing as decoration and art. At first, Asjmuni mentioned that in the Qur'an, Allah is very denouncing (forbidding) worshipping idols as in verse 52 of surah al-Anbiyā'. Then there is the Hadith of the Prophet narrated by Bukhari and Muslim:

عَنْ مُسْلِمٍ، قَالَ كُنَّا مَعَ مَسْرُوقٍ فِي دَارِ يَسَارِ بْنِ نُمَيْرٍ، فَرَأَى فِي صُفَّتِهِ تَمَاثِيلَ فَقَالَ سَمِعْتُ عَبْدَ اللهِ قَالَ سَمِعْتُ

النَّبِيَّ صلى الله عليه وسلم يَقُولُ " إِنَّ أَشَدَّ النَّاسِ عَذَابًا عِنْدَ اللهِ يَوْمَ الْقِيَامَةِ الْمُصَوِّرُونَ.

Narrated Muslim (he said): We were with Masruq at the house of Yasar bin Numair. Masruq saw pictures on his terrace and said, "I heard `Abdullah saying that he heard the Prophet (ﷺ) saying, "The people who will receive the severest punishment from Allah will be the picture makers.'" (al-Bukhāri, 1282: 15).

The Hadith textually indicates a prohibition on drawing because of the threat of a painful punishment for the perpetrators. Other hadiths show textually that drawing (especially living things, such as humans and animals) and making statues is forbidden. But there is a hadith that is also narrated by Imam Bukhari and Muslim, which implicitly shows the opposite meaning:

عن عَائِشَةَ رَضِيَ اللهُ عَنْهَا قَدِمَ رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ مِنْ سَفَرٍ وَقَدْ سَتَرْتُ بِقِرَامٍ لِي عَلَى سَهْوَةٍ لِي فِيهَا

تَمَاثِيلُ فَلَمَّا رَآهُ رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ هَتَكَهُ وَقَالَ أَشَدُّ النَّاسِ عَذَابًا يَوْمَ الْقِيَامَةِ الَّذِينَ يُضَاهُونَ بِخَلْقِ اللهِ

قَالَتْ فَجَعَلْنَاهُ وِسَادَةً أَوْ وِسَادَتَيْنِ (رواه البخاري)

Narrated `Aisha: Allah's Messenger (ﷺ) returned from a journey when I had placed a curtain of mine having pictures over (the door of) a chamber of mine. When Allah's Messenger (ﷺ) saw it, he tore it and said, "The people who will receive the severest punishment on the Day of Resurrection will be those who try to make the like of Allah's creations." So we turned it (i.e., the curtain) into one or two cushions (al-Bukhāri, 1282: 21).

Asjmuni explained that the Hadith illustrated the Prophet saw Aisha installing curtains with a full picture of the man. Then the Prophet revoked it. Nevertheless, after the image was cut into pieces by Aisha for pillowcases, the Prophet did not forbid it. Also, there is a hadith stating that God loves something beautiful (Abdurrahman, 2012: 101). Some hadiths explain that Aisha once played dolls that the scholars understood based on the cause ('illah) (Abdurrahman, 2008: 38). So the conclusion is that drawing living things but not to be worshiped or used as a learning tool containing those benefits is not prohibited. That means that the legal status is permissible as long as it is not for sin and polytheism. The above explanations and discussions explain the importance of understanding the Qur'an and Hadith in a unified manner and so as not to make legal decisions using only one Hadith.

On Textual and Contextual

The scholars are divided into two groups, the group that argues that religious texts should be understood textually and groups that argue that religious texts can be understood rationally to be contextualized. This opinion is following the definition of Islam as a religion. In the past, some scholars defined Islam with godly norms that directed people of understanding towards the benefit of the world and the hereafter. He cited that based on this definition, the Tarjih Assembly asserts that religion is what comes from the Qur'an and al-Sunnah al-Maqbūlah in the form of commandments and prohibitions and good instructions for the benefit of human life in the world and the hereafter.

The previous explanation provides an overview of the implementation of understanding textually, contextually, and thought development that cannot enter into Manhaj Tarjih. As a religion based on revelation, Islam includes provisions that must be understood textually, such as performing prayer, fasting, and hajj. An example of textual understanding is that the reading of prayer in tahiyyat does not use the word "sayyidina" because it adheres to the text. Nevertheless, the use of the word "sayyidina Muhammad" can be used outside of prayer.

In addition to textual, some revelations can be understood contextually, such as issues related to mu'āmalah mādiyyah (material), māliyyah (financial), political, and socio-cultural. The issue of worship can also be rationalized if the worship is not in the core worship issue. It is like the issue of zakat that entered the development of thought with profession zakat and others. At least in contextualization, it is necessary to note the following:

a. Understanding an item of provisions and its evidence is not atomic. That means having to use the evidence in an integrated manner.

b. Understanding the evidence integrally. It can be done by involving other experts related to the problem to be a consideration in establishing the legal status.

c. The process of understanding is carried out within the context of religious objectives in

general (maqāṣid al-syarī'ah).

d. Pay attention to the motivation behind the background of the emergence of the evidence.

e. Look at the reality that is happening in the community and seeing the presence or not of the intended maslahat. Maslahat, according to the scholars, there are three, namely maṣlaḥah mu'tabarah, maṣlaḥah mursalah, and maṣlaḥah mulgāh. Maṣlaḥah mulgāh is a type of maslahat that should be avoided because it is contrary to the Qur'an and al-Sunnah.

As for examples of textual understanding is the issue of hajj badal. A person who had intended hajj but died before it was carried out or was unable because of his physical, then the implementation can be replaced by others. In some hadiths, it is stated that hajj is permissible to be replaced by one's child. Asjmuni conveyed it because some groups argue that the hajj can not be replaced by others even though his son. They argue with verse 39 of surah al-Najm, explaining that every human being gets from what he is trying to do. Then some groups understand that the hajj can also be replaced by others even if it is not his son. Asjmuni personally argued that it was permissible for the hajj to be replaced as long as the one who replaced him was his son and that his son had already had hajj (Siradj, 2011: 172). Therefore, one does not need to ask others to perform hajj badal. Even if his son has not performed hajj, then his son must do hajj first and replace hajj for his parents.

Hajj is a special pilgrimage whose procedures have been determined in detail by sharia. On this issue, Asjmuni expressly understands the evidence textually because in the matter of ta'abbudi, reason cannot be won over revelation. Understanding the evidence must be sorted between the qath'i and the zhanni in both its ṡubūt and dalālah. Textual understanding must be done in the specific issue of worship that ta'abbudi, while contextual understanding can be done in other issues while still looking at and considering the Qur'an and al-Sunnah as a general guide. Another thing that is no less important is to keep an eye on the existing maqāsid al-syarīah to protect humankind itself.

Ijtihad Jamā'I (Collective Ijtihad)

According to most scholars, ijtihad is "the outpouring of all ability to obtain a sharia law which is ẓanni (presumptive) in nature". A law of zhanni is a law established based on zhanni evidence, both in terms of ṡubūt and dalālah, namely:

a. Āḥād hadith. In this context, Ijtihad was done before establishing the law, investigates first its sanad; whether it can be used as the basis for the determination of the law or not.

b. Verses of the Qur'an whose text indications are Zhanni (presumptive). Ijtihad in this context is looking for interpretation, looking for the intended meaning, looking for whether there is a contradiction with other verses, or determining 'ām and khās.

It is also clear that the ijtihad itself is Zanni in nature so that the result is also ẓanni. It gives rise to the rule that the law can change according to the changing times, places, and circumstances. It means that the results of the ijtihad itself can change as the existing context changes (Abdurrahman, 2008: 42).

The provisions set by God based on the evidence that is qath'i in nature, then ijtihad cannot be done. As for the provisions whose legal status is determined based on the evidence that is zhanni, then reason can be used to interpret the evidence; choosing which interpretation is appropriate.

Ijtihad, if reviewed from the number of perpetrators, can be classified into two:

a. Ijtihād Fard or individual ijtihad i.e., ijtihad, in a legal matter conducted by a mujtahid, not by a group of mujtahid. This kind of Ijtihad has been widely done by the Prophet's companions, the tābi'in and the mujtahid in the past.

b. Ijtihad Jamā'I is collective ijtihad i.e., ijtihad against a legal issue in which a group of mujtahid analyzes a problem and then establishes the law of the matter.

With the complexity of religious issues that arise, the more relevant ijtihad to do. According to Asjmuni, the most appropriate ijtihad is ijtihad jamā'i (collective ijtihad), a group of Islamic law experts in addition to the advisors of other scientists related to the issue discussed reviewing the issue in all aspects to be determined the law. According to him, ijtihad jamā'i also supposes that not all mujtahid can master all the knowledge needed to do ijtihad. It means that each mujtahid has their knowledge expertise. Based on this, ijtihad collectively is very appropriate so that each mujtahid can complement each other's shortcomings in terms of expertise.

Conclussion

Asjmuni thought in the field of the Hadiths of legal status (*aḥādīth al-aḥkām*) is found in two things, *sanad* and *matan*. In the case of sanad, he accepts the *mutawātir* and *āhād* hadiths. The *qath'i* evidence closed the space for *ijtihad*, while the zhanni evidence is still open opportunities for ijtihad carried out according to the provisions. According to Asjmuni, the Hadith of *āhād* can also specialize in al-Qur'an verses as long as the Hadith is indeed *sahih*. Only ṣahih hadith and ḥasan hadith can be used as a legal basis. In the case of *matan*, according to Asjmuni, a hadith must be combined with other evidence so that the law is more appropriate and should not conclude the law based on one Hadith only. He is very concerned that in the case of *maḥḍah* worship or things which is *ta'abbudi* in nature, it must be understood textually. In addition to the case of *mahḍah* worship or things that are *ta'abbudi* in nature, it can be understood contextually and can include other scientists related to the problem faced. According to Asjmuni, no less critical is the understanding of Hadith based on the rules of *usūl al-fiqh* and taking into account *maqāsid al-syarī'ah*.

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