

## HADITH ISNAD STUDY IN THE DISCOVERY OF ISLAMIC LAW (Critique of the Thoughts of Goldziher and Schacht)

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### ABSTRACT

*This study focuses on the examination of the isnad (chain of transmission) of hadith as a fundamental source and the second authority in determining Islamic law. Unlike the Qur'an, the authenticity of hadiths, especially legal hadiths, remains a subject of extensive debate among hadith scholars, both Muslim thinkers and orientalists. Goldziher and Schacht were the primary pioneers in the critique of isnad studies. While Goldziher centered his research on hadith studies in general, Schacht focused specifically on the isnad of legal hadiths. This study's findings demonstrate that the 'conclusions' of Goldziher and Schacht are incorrect. Both scholars concluded that the isnad method only emerged in the second half of the second century Hijri. In reality, the isnad method existed much earlier than what Goldziher and Schacht had concluded. The second finding of this study indicates that the isnad of hadith significantly influences the determination of Islamic law among jurists (fuqaha').*

**KEYWORDS** *Isnad, Islamic Law, Goldziher, Schacht*



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### INTRODUCTION

Hierarchically, the Hadith (Sunnah) is the second authoritative source of Islamic law after the Qur'an. Ash-Shafi'i (105-203 AH) said,

"It is not permissible for anyone to say that this is lawful or unlawful except on the basis of knowledge. And the source of knowledge is the news found in the Qur'an, Sunnah, Ijma' and Qiyas." (Muhammad ibn Idris Ash-Shafi'i, 1938).

(Minhaji, 1992) a German-blooded orientalist who is known throughout his life to be intense in conducting research on Islamic law in his book *The Origins Of Muhammadan Jurisprudence* said that in the hands of Syafi'i, the systematization and Islamization of legal thought in Islam had reached its peak. Syafi'i stated his theory that the sources of Islamic law in hierarchy are the Qur'an, Sunnah of the Prophet, Ijma' and Qiyas. A scholar must interpret dual-meaning Qur'anic passages

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according to the Sunnah of the Prophet, according to the consensus of Muslims, and in the absence of consensus, according to qiyas. There is no room in the Shafi'i theory for the personal mind (ijtihad ar-ra'yi) alone or the customary law of the community in explaining legal decisions. (Schacht, 1967).

It should be noted, however, that Shafi'i's brilliant decree above became the foundation and main object of Schacht's subsequent research. Schacht then challenged the authority of hadith as the second source of Islamic law. The same thing had also been done before by Ignaz Goldziher (1850-1921), a Hungarian orientalist, who was none other than Schacht's main teacher in the study of the historical development of Islamic traditional literature and foreign elements in Islamic law. (Junaedi, 2018).

For Schacht, the sunnah (hadith) of the Prophet was an important area of study and research. While it is acknowledged that Goldziher was the pioneer of the critical study of hadith, nevertheless, "...the systematic development of his (Goldziher's) ideas, the detailed formulation of criteria for evaluating hadith, and their application to the vast amount of material in the original Arabic sources, is the work of Joseph Schacht." Although in the end, Schacht acknowledged that his conclusions merely corroborated and elaborated on the grand theory that had been put forward by his predecessors, Goldziher (Minhaji & Masrur, 2001)..

With regard to the hadith as the second source of authority in Islamic law, Schacht concludes, "The hadith scholars produce detailed statements or hadiths which are claimed to be reports of witnesses who heard or saw the words or actions of the Prophet, transmitted orally by an unbroken chain of transmission (isnad) from reliable persons. These hadiths, insofar as they relate to matters of religious law, can hardly be considered authentic." (Farida, 2018).

Another conclusion was also expressed by Schacht, "Isnad is part of the 'arbitrary action' in the Prophetic hadith. The hadiths themselves were developed by different groups who wanted to attribute their theories to earlier figures." (Mustafa A'zami, 2018).

The great effort made by Schacht and his predecessor Goldziher has invited Muslim hadith scholars to prove that Schacht and Goldziher's claims are false. Schacht and his predecessor Goldziher have erred and failed to understand the hadith (sunnah) and its chain of transmission (isnad). Muhammad Mustafa Al-A'zami (1930-2017), for example, is one of the Muslim scholars who succeeded in proving the mistakes and failures of Schacht and his predecessor Goldziher in understanding the hadith and its chain of transmission in two major works entitled *Studies in Early Hadith Literature* (1978) and *On Schacht's Origins of Muhammadan Jurisprudence* (1996).

Then, in addition to what has been mentioned above, the isnad of the hadith in the tradition of the muhaddithin (hadith scholars) and fuqaha' (jurists) will affect the degree of a hadith, and the degree of a hadith will affect the istinbath hukm (legal decision) among the fuqaha' which causes differences of legal opinion among them. These differences of opinion in turn gave rise to the so-called madhhabs ('schools' of religious law) that were completely different from their geographical divisions. Through various developments, the classical Kufa 'school' transformed itself into the Hanafiyah school, and the classical Medina 'school' transformed itself

into the Malikiyah school. Shafi'i's involvement in the process of systematization and Islamization of law helped his doctrines become known as the Shafi'iyah school. To a certain extent, Shafi'i's systematization did not satisfy certain groups, particularly the hadith scholars. In contrast to Shafi'i's doctrine, the hadith scholars were hostile to all thought and tried to trust the hadith alone, even preferring dha'if hadith to sound analogies (qiyas). The hadith scholars based their doctrine on a leading hadith scholar, Ahmad bin Hanbal, who was later recognized as the founder of the Hanbali school.

Based on what we have described above, the study of isnad hadith is very important in the discovery of Islamic law. For anyone pursuing the field of Islamic law, the study of isnad hadith is a necessity. If not, then it is true what Abdullah bin Mubarak said: "Isnad is part of the teachings of Islam. If it were not for isnad, then anyone could narrate whatever he likes." (Muslim bin Hajjaj, 2006).

## RESEARCH METHOD

This research uses a qualitative method with a descriptive-analytical approach, with the main focus on critical analysis of Goldziher and Schacht's thoughts on isnad hadith and its impact on the determination of Islamic law. The data sources used in this research are divided into two categories, namely primary data and secondary data. Primary data includes manuscripts and hadith texts containing isnads from major hadith collections such as Sahih Bukhari, Sahih Muslim, and Sunan Abu Dawood, as well as Goldziher's writings and works such as Muhammedanische Studien and Schacht's The Origins of Muhammadan Jurisprudence. Secondary data includes scholarly literature related to the study of hadith isnads and criticism of the isnad method, modern studies of Islamic law and its application, as well as articles and journals that examine the thoughts of Goldziher and Schacht and responses from Muslim academics.

For data collection techniques, this research relies on literature study and text analysis. The literature study was conducted by collecting and reviewing relevant literature, especially the works of Goldziher and Schacht, to identify the main arguments of the two thinkers regarding the isnad method. A search of historical documents and hadith texts was also conducted to verify their claims. Text analysis involved analyzing hadith isnads from various sources to determine their authenticity and chronology, using historical criticism methods to assess the validity of isnads used in legal hadiths.

The data analysis techniques used in this research include critical analysis and data validation. Critical analysis was conducted by comparing Goldziher and Schacht's arguments regarding the development of isnad with historical data and recent findings from hadith studies, as well as assessing the influence of isnad on the determination of Islamic law among fuqaha'. Data validation was done through source triangulation to ensure the validity of the findings, as well as consultation with hadith and Islamic law experts to confirm the interpretation of the data.

The research phase started from the preparation stage, which involved collecting relevant literature and data sources, as well as identifying research variables and designing data collection instruments. The implementation stage included literature study and text analysis, primary and secondary data collection, and expert

interviews to gain additional perspectives. The analysis stage involved analyzing the collected data using a descriptive-analytical approach, preparing an analysis report, and summarizing the findings. Finally, the report preparation stage involved systematically compiling the research report and revising the report based on feedback from reviewers and relevant experts.

## RESULT AND DISCUSSION

### Isnad, its History, Development, and Urgency

#### *Definition of Isnad*

*Sanad or Isnad* according to language is something that is lifted up and raised from the mountainside. It is said like that, because a musnid raises it (hadith) to the one who says it (sanad) (Mahir Yasin Al-Fahl, 2009). Sanad or Isnād in terms of terms is a description of the path (series of narrators) that leads us to the material (matan) of the hadith. Tajuddin As-Subki said, "In my opinion, the most appropriate definition of isnad is the path that leads the matan to the messenger (who said it)." (Mahir Yasin Al-Fahl, 2009). It is said that this is so because it is the basis on which the muhaddisīn rely to judge whether a hadith is saheeh, hasan, or dhaīf. Or it is said to be sanad because a hadith memorizer (huffāz) adheres to the sanad or isnād in judging a hadith to be sahih or dhaif. (Mahir Yasin Al-Fahl, 2009).

Another opinion says that the sanad is the path of the matan (المتن طريق), which is a series of narrators who convey to the matan. (الرجال الموصلة للمتّن سلسلة). For example, as Bukhari said:

حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى قَالَ: حَدَّثَنَا عَبْدُ الْوَهَّابِ الثَّقَفِيُّ قَالَ: حَدَّثَنَا أَيُّوبُ عَنْ أَبِي قَلَابَةَ عَنْ أَنَسٍ  
عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ

#### *History of the Development of Isnad*

Al-A'zami in his book, 'Prophetic Hadith and the History of Its Codification' explains at length about the early history of the use of isnad. According to him, before Islam came, there seems to have been a method similar to the use of sanad in compiling books, but it is not clear to what extent it was needed. This is for example found in the Jewish book, the Mishna. Similarly, the sanad method was already used in quoting the poems of the jahiliyyah. But the urgency of the sanad method only became apparent in the narration of hadith. And that is how this method developed, until Ibn Mubarak said that the sanad method was part of the teachings of Islam. (Mustafa A'zami, 2018) To narrate or teach hadith, this sanad method is very useful. This is only natural because the hadith is the second original source in Islamic Shari'ah. Therefore, it is necessary to be strict and careful in narrating the hadith. And this has been done. On the other hand, with the inclusion of the sanad system in the narration of hadith, there arose a science that had no equal before or after it - namely 'ilm al-jarhu wa at-ta'dil' (the science of criticism of hadith narrators where it is used to assess and criticize people who narrate hadith, so that the value of the hadith they narrate can be known later.

Furthermore, A'zami explained that since the Prophet Muhammad was alive, the Companions had been accustomed to narrating the hadith of the Prophet Muhammad. Those who were present at the Prophet Muhammad's recitation

meeting told those who were not present about the things they heard in the Prophet Muhammad's recitation meeting. When narrating things that they heard from the Prophet Muhammad or things that they witnessed the Prophet doing, they always attributed them to the Prophet Muhammad. Even the Prophet himself sometimes mentioned that the source of his words was Jibril 'Alaihissalam. And the Companions also mentioned the sources of the news they received, whether it was from the Prophet or other Companions. If the person narrating the hadith did not see the incident first hand, or did not hear it directly from the Prophet Muhammad, then he will naturally mention the source of the hadith where he received it. This is actually what is called the use of sanad. And the method used by the companions at the time of the Prophet Muhammad was what later gave birth to isnad or the method of using the sanad. (Mustafa A'zami, 2018).

During the lifetime of the Prophet Muhammad, the method of isnad was still very simple, but by the first century of hijri the science of isnad had really developed. Until Shu'bah always paid attention to the mouth movements of his teacher, Qatadah (d. 117 AH); if in narrating a hadith Qatadah said 'haddatsana' (we were told this hadith by...), Shu'bah recorded the hadith, and if Qatadah said 'qala' (he said...), Shu'bah remained silent and did not record the hadith (Mustafa A'zami, 2018). (Mustafa A'zami, 2018).

As for Goldziher's and Schacht's view that the isnad only began at the time of the 'fitnah' (civil war in Islam), they rely on the words of Ibn Sirin (23-110). And then Goldziher and Schacht understood that it was the fitnah that occurred in 126 AH, the year Al-Walid b. Yazid was killed, before the decline of the Umayyad Daulah. This is an erroneous and fatal conclusion, because how could Ibn Sirin, who died in 110 AH, speak of an event that occurred 16 years after his death?

It is also a historical fact that prior to 126 AH there had been various 'slanders' among the Muslims, including the 'slander' that occurred between Ibn Zubayr and Abdul Malik bin Marwan (around 70 AH), then the 'slander' between the Companions of Ali and Mu'awiyah known as the battle of Shiffin (around 37 AH), then the 'fitnah' between Ali's friend and A'ishah's mother known as the Jamal war (around 36 AH), and before that the 'fitnah' that befell Ustman bin Affan's friend (around 35 AH) which led to his death in that year too. The result of A'zami's research is that the 'fitnah' referred to in Ibn Sirin's words above is the 'fitnah' that occurred between the companions of Ali and Mu'awiyah (37 AH), although Prof. Robson, an orientalist from Glasgow University, argues that the 'fitnah' was the 'fitnah' between Abdullah bin Zubair and Abdul Malik bin Marwan (70 AH). (Mustafa A'zami, 2018).

Another argument used by Goldziher and Schacht to prove their conclusion is Imam Malik's statement that, "من دون العلم ابن شهاب الزهري أول", as often referred to by Muslim hadith scholars in relation to the activity of writing hadith actually indicates the meaning of 'collecting writings' not 'writing' as it has been understood. (Mustafa A'zami, 2018).

Finally, Goldziher and Schacht argue with Az-Zuhri's own statement that "كنا نكره كتاب العلم حتى أكرهنا هؤلاء الأمراء فرأينا أن لا نمنعه أحدا من المسلمين". Goldziher interpreted the phrase 'kitab al-ilmi' as the initial process of falsifying hadith isnads, and it was at the behest of the Umayyad caliphs. Thus, Goldziher and Schacht

concluded that isnad only began in the Umayyad era, so that before that there was no isnad, so it was certain that the hadiths that were relied on before were fake. Goldziher's interpretation was criticized by another orientalist named Sezgin. Sezgin actually argues that the interpretation of 'kitab al-ilmī' actually means the isnad transmission process in the form of writing (mukatabah), which was previously mostly in the form of memorization. This shows that Goldziher and Schacht's argument that before the Umayyad era, especially before the era of Az-Zuhri, the isnad method was not known is very wrong and fatal. Moreover, Goldziher and Schacht misunderstood the sentence of Az-Zuhri's statement 'kitab al-ilmī'. (Minhaji & Masrur, 2001).

### **Urgency of Isnad**

In the discourse on the urgency of hadith sanads, we will find quite a number of scholars who can be used as references. From their expressions, it is clear that the existence of a sanad is a necessity. Abdullah b. Mubarak (d. 181 AH/797 CE) once said a phrase that is very popular in the hadith scholarship that the sanad is part of religion; if there were no sanad, then anyone would be free to say what he wants. Muhammad b. Sirin (d. 110 AH/728 CE) has also said "Indeed knowledge of hadith is religion so pay attention to whom you take your religion from."

The statements of these two scholars confirm that the sanad occupies a very vital position. The sanad is inherent to the teachings of Islam because the hadith is the second source of its teachings, and the black and white of the sanad directly affects the second pillar of the Islamic edifice. So it is not wrong that 'Ali b. Madini (d. 234 AH) said: "Knowing the rijāl or sanad is half of the knowledge." Sanad is also the fortress and pride of Muslims that makes them dare to hold their heads up when dealing with other people. It is the weapon of the Muslims, as Sufyan Al-Tsauri (d. 161 AH/772 CE) said, "Isnād is the weapon of the Muslims. If a believer does not have a weapon, then anyone will be easy to kill him." (Akram Dhiya' Umari, 1984)..

Sanad protects Muslims from slippage and unexpected enemy attacks. Muhammad (d. 204 AH/812 CE) also cautioned: "The analogy of a person who studies hadith without a sanad is like a person who climbs a high place without using a ladder. Shafi'i (d. 204 AH/812 CE) also cautioned, "The example of one who studies hadith without a sanad is like a man carrying firewood at night. In the bundle of wood there is a very ferocious snake ready to bite him while he is unaware of the situation."

Some of the added values of the sanad, as mentioned above, make it a differentiator for Muslims from other communities. The sanad is a potential strength of Islam that cannot be matched by other communities. With the sanad, in general, Islamic teachings can be sterile from all forms of change, infiltration and distortion. On the other hand, the teachings brought by messengers other than Muhammad do not have such immunity. Abu Hatim Al-Razi (d. 227 AH) said, "No nation since the creation of the Prophet Adam (peace be upon him) has had a standard for preserving the atsar of its messengers other than the Muslims." Muhammad bin Hatim Al-Mazhfar also said, "Indeed, Allah has honored and distinguished the Muslims with isnad."

Ibn Taymiyyah was more direct in stating, "The knowledge of sanad and history is something that Allah has set aside for the people of the Prophet Muhammad. That is what will keep them safe. As for the People of the Book, they do not have a sanad through which to narrate their al-manqûlât (hadiths). People outside Islam have wrong beliefs and views, because they do not have a sanad on which to rely. They speak without evidence and narrate without a sanad." Abu Muhammad 'Ali ibn Hazm also emphasized the same point. He said: "The narration of a hadeeth by a saheeh person from another saheeh person all the way to the apostle is only found among Muslims and not among others. The foundations of Islam and the Shari'ah and all that is associated with them are solid because they are narrated by means of a sanad."

From the above statements it is clear that the sanad is a special characteristic of Muhammad's Ummah. In contrast, the main weakness of the non-Muslims is the absence of the tradition of sanad among them. This makes their teachings unreliable to the extent that it is certain that they were actually taught by their messenger.

### **Isnad and the Determination of Islamic Law**

#### ***Goldziher's and Schacht's Views on Legal Hadiths***

As explained earlier, Goldziher was the main pioneer of the study of isnad hadith which was then followed by his successors, including Josep Schacht. A close examination of the works of these two orientalist scholars and others like them, such as David Samuel Margoliouth, John Burton and others, will lead us to the convincing conclusion that there is no authentic hadith from the Prophet Muhammad, especially those related to Islamic law. Therefore, among Islamists (orientalists) their works have gained an extraordinary reputation. (Farida, 2018).

For example, to prove his point, Schacht took Imam Malik bin Anas' Al-Muwatta', Imam Muhammad Al-Shibani's Al-Muwatta', and Imam Ash-Shafi'i's Al-Umm as the main targets of his research. These books are actually more accurately referred to as books of fiqh than books of hadith. However, Schacht generalized his 'conclusions' from these books and applied them to all books of hadith. It is as if there are no books that specialize in hadith, and as if there is no difference between the characteristics of books of fiqh and books of hadith.

Schacht does not seem to have paid attention to the way the books of fiqh are organized. This is because a mufti, defender, or judge, when dealing with a problem or giving a fatwa, is not required to give full details - about the methods of judging or giving a fatwa by stating data and so on - to the person being judged or asking for a fatwa. A scholar who writes to another scholar only needs to mention the source of his opinion.

Here is how the classical jurists quoted the Prophetic hadith in their books in a concise manner. Discarding some of the sanad, in order to shorten the discussion of the book, and simply mentioning the part of the matan of the hadith that is relevant to the discussion. Discarding the sanad entirely, and directly mentioning the hadith from its first source.

Abu Yusuf Al-Shibani's method of using the sanad, sometimes he mentions the complete sanad, sometimes not. Sometimes he did not explain the name of the narrator of the hadith, but the name had been mentioned before. The use of the word

'sunnah' or something like it to indicate the actions of the Prophet Muhammad without mentioning the hadith and its sanad. This is because the hadith is well known among the scholars.

In conclusion, the study of hadith and their sanads and their use in classical jurists' books and biographical books is not appropriate as an object of hadith sanad research, either in terms of the existence of the sanad itself, its growth and development. The hadith of the Prophet is an independent material; in fact, it encompasses other sciences. Therefore, from a scientific point of view, it is a fundamental mistake to examine the hadiths found in the books of fiqh. Hence, any study of hadiths and sanads outside of their original sources will miss the mark. This is because it will not lead to the right conclusions; rather, it will contradict the reality.

Therefore, the hadith research carried out by the orientalist was not correct, because they used incorrect methods. (Mustafa A'zami, 2018).

### ***Isnad and Differences in Legal Istinbath***

Rarely do we find a legal issue that is not debated by the jurists. The number of fiqh issues that have reached consensus (ijma') is far less than the number of fiqh issues that are still in dispute. Most fiqh issues are still disputed by the scholars. Sometimes, there are more than ten conflicting opinions on a legal issue, and each opinion is supported by sound shar'i evidence.

The debate about the laws of fiqh (istinbath hukm) in Islam, one of which departs from the dispute of scholars about the isnad of legal hadith that reached them. The isnad dispute includes several things as follows: (Ahmad bin Muhammad Umar Anshari, 1996) A hadith has not reached the scholar. A scholar who has not had a hadeeth reached him is, of course, not subject to the obligation to know the consequences of that hadeeth. When a proof has not reached him, and he acts on a matter based on the apparent meaning of the verse or another hadeeth, or based on sound qiyas or based on istishab, then sometimes his action is in accordance with the hadeeth that has not yet reached him, and sometimes it is in accordance with the hadeeth that has not yet reached him. This is the most common reason for the opinions of the salaf and khalaf that differ from some saheeh hadeeths. This is to be expected, given that none of the Muslims has mastered all of the millions of hadeeths that have been narrated from the Prophet (peace and blessings of Allaah be upon him).

A hadeeth has reached a scholar, but according to his research it is not saheeh, for reasons such as a narrator in the chain of the hadeeth is majhul (obscure, unidentified), or has been accused of fabricating hadeeths, or his memorization is poor. Or because the hadeeth reached him with a munqathi' (disconnected, unconnected) sanad. Or because the wording of the hadeeth contradicts another hadeeth narrated with a continuous sanad by tsiqah scholars. This also happened very often, especially after the generation of the Sahaabah. During the period after the Sahaabah, the Prophetic hadeeths spread widely. However, many of them reached the scholars with a weak chain of transmission, so they did not use them as evidence, while others were accepted with a sound chain of transmission, so they became evidence. This is where the scholars differed.



One scholar believes the weakness of a hadith based on his ijthihad, while other scholars believe the validity of the hadith, also based on ijthihad. For example, a scholar declares one of the narrators of a hadith to be weak because he has a narration defect (jarh), while other scholars consider the narrator to be unblemished ('adil), and the science of jarh and ta'dil is a very broad science and is subject to differences of opinion. Or the scholar thinks the narrator did not hear the hadeeth from his teacher, while other scholars think he heard the hadeeth from his teacher, and each side has a reason. Or the scholar forgot about the hadeeth and denied that he had narrated it.

One scholar added certain conditions to a narrator who is 'fair and dhabit so that his hadith can be accepted, while other scholars did not. For example, some scholars require that the hadith must first be tested against the Qur'an and Sunnah. Some scholars require the narrator of the hadith to be a faqih when the hadith he narrates contradicts qiyas, and others require the narrated hadith to be well-known and widely spread when it relates to public affairs.

A hadeeth reaches a scholar and he thinks it is saheeh, but he forgets about it. This is often the case among the salaf and khalaf scholars. The Prophet (may Allah's peace and blessings be upon him) forgot some hadeeths, such as the hadeeth about saying the greeting of peace three times when visiting a guest and returning when there is no answer from the host, or the hadeeth about tayammum when one is junub and there is no water. In fact, he also forgot the verse that gives women full rights over the amount of dowry, or the verse that states that the Prophet was a human being who would die like any other human being.

The scholar does not know the meaning of the hadith in relation to the ruling. For example, because the pronunciation of the hadith is gharib (unfamiliar) so that its meaning is not easily known, or because the meaning of the hadith according to the language and 'urf of the community where he lives is different from the meaning in the language of the Prophet, so he understands the meaning of the hadith according to the language of his community, based on the principle of al-ashlu baqau al-lughah, the original law is that the language remains as its original meaning. Or because the hadeeth is musytarak or mujmal, or close in meaning between the essential meaning and the majaz.

The scholar knows what the evidence indicates about the ruling, but he believes that it is a wrong evidence, because he has a method of usool that rejects the evidence, whether the method he believes in is correct or incorrect. For example, he believes that the 'aam that has been abrogated is not a proof, mafhum is not a proof, the pronunciation of 'aam born from a specific cause is limited to that specific cause (al-'ibratu bikhusus al-sabab), or just a command that without qarinah does not indicate mandatory or does not indicate the command must be carried out immediately. And others.

The scholars believe that the dilalah of the proposition is contradicted by another proposition that shows that the dilalah is not the intended meaning of the proposition. For example, an 'aam proposition is contradicted by a khash proposition, a mutlaq by a muqayad, an essential meaning shows a majaz meaning and so on. The scholars believe that the proposition is contradicted by another proposition that shows that the proposition is weak, or has been abrogated or can

be interpreted. The evidence that is believed to contradict this evidence is evidence that has been agreed upon by the scholars, whether it is a verse, or a hadith, or consensus.

A scholar believes that the evidence is contradicted by other evidence that shows it to be weak, or that it has been abrogated, or that it must be interpreted. The difference with the previous point is that this evidence he believes in is not believed by other scholars to be a contradictory evidence, or is not actually a strong contradiction (mu'aridh rajih). For example, the scholars of Kufa often rejected saheeh hadiths because they thought they contradicted the dhahir of the Qur'anic verse, when in fact the Qur'anic verse did not contradict the hadith. Sometimes, things that are not actually the dhahir of the verse they believe to be the dhahir of the verse, because the memorization of the verse contains several meanings.

The explanation above shows that isnad hadith and its scope influenced the work of jurists in determining Islamic laws. Thus, studies and research on hadith isnads continue and develop to this day. These studies also gave rise to new rules built by scholars to determine the provisions of Islamic law that are shalih likulli az-zaman wa al-makan.

### **Example of Isnad Hadith Application in Legal Hadiths on Islamic Law Discovery**

The description above shows that the isnad of a hadith has implications for the status of the hadith in general (mujmal), especially legal hadith. The status of the hadith can be broken down into: ahad, mutawatir, shahih, hasan, dha'if, mursal, munqathi, mu'dhal, mudhtharrib and so on. The status of the hadith also has implications for the legal istinbath (legal product) that is based on it.

Here are some examples of legal products that fuqaha' disputed due to the status of legal hadith, which is caused by the sanad of the hadith.

1. The first example is the hadith about whether touching the genitals invalidates wudoo' or not.

With regard to whether or not wudoo' is invalidated by touching the penis, the following two saheeh hadeeths are relevant:

The first hadith:

أَخْبَرَنَا هَنَّادٌ عَنْ مَلَاذِمٍ قَالَ حَدَّثَنَا عَبْدُ اللَّهِ بْنُ بَدْرٍ عَنْ قَنِيْسِ بْنِ طَلْقِ بْنِ عَلِيٍّ عَنْ أَبِيهِ قَالَ خَرَجْنَا وَقَدْ آتَيْنَا عَلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَبَايَعَنَا وَصَلَّيْنَا مَعَهُ فَلَمَّا قَضَى الصَّلَاةَ جَاءَ رَجُلٌ كَانَهُ بَدْوِيًّا فَقَالَ: يَا رَسُولَ اللَّهِ مَا تَرَى فِي رَجُلٍ مَسَّ ذَكَرَهُ فِي الصَّلَاةِ قَالَ وَهَلْ هُوَ إِلَّا مُضْغَةٌ مِنْكَ أَوْ بَضْعَةٌ مِنْكَ أ.

This hadith came from Qais ibn Talq ibn 'Ali from his father. The content of this hadeeth explains that a person who touches his private parts after doing wudhu' does not invalidate his wudhu'. This is because the Prophet emphasized that the penis is one of the members of the human body.

The second hadith:

أَخْبَرَنَا إِسْحَاقُ بْنُ مَنْصُورٍ قَالَ حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ هِشَامِ بْنِ عُرْوَةَ قَالَ أَخْبَرَنِي أَبِي عَنْ بُسْرَةَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ مَنْ مَسَّ ذَكَرَهُ فَلَا يُصِ َلِي حَتَّى يَتَوَضَّأَ. أَنْ نَبِتَ صَفْوَانَ

This hadeeth was reported by Yahya ibn Sa'id from Hisham ibn Urwah from the Sahabiyah Busroh ibn Shafwan. The content of this hadeeth is that touching one's private parts invalidates one's wudoo', so whoever touches his private parts after doing wudoo' should not pray unless he does wudoo' again.

Imam al-Hamdzani Ash-Shafi'i (548-584 AH) said: "The hadeeth that states that wudoo' is obligatory for the one who touches his private parts is stronger than the hadeeth that gives him relief, which is the hadeeth of Qais ibn Talq. This is because the hadeeths that make wudoo' obligatory after touching the penis were narrated by a number of the Prophet's Companions, such as 'Abdullah ibn Amr ibn Ash, Abu Hurayrah, 'Aa'ishah, Umm Habibah and Busroh bint Shafwan (mutawatir). As for the hadeeth that gives concessions, it only comes from one person, namely Thalq bin Ali Al-Yamami (ahad). Although the hadeeth of Talq ibn 'Ali is saheeh, it cannot outweigh the strength of the hadeeth that makes wudoo' obligatory in terms of the number of narrators. Hence, following the hadeeth that makes wudoo' obligatory (mutawatir) is better than the one that gives concessions (ahad)."

This opinion is rejected by the Kufiyun group, including the Hanafis, who argue that a large number of narrators of a hadith does not determine that the hadith is stronger than a small number of narrators, until it is certain that all the narrators of the hadith are tsiqah and fair.

## 2. Second example of the Hadith on the ruling of tanned animal skins

The first hadith:

حَدَّثَنَا قُتَيْبَةُ حَدَّثَنَا سَفْيَانُ بْنُ عُيَيْنَةَ وَعَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ عَنْ زَيْدِ بْنِ أَسْلَمَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ دَبَّعَ إِبَاهِبَ دَبَّعَ فَقَدْ طَهَّرَ. قَالَ وَعَلَّةَ عَنْ ابْنِ عَبَّاسٍ قَالَ

This hadith comes from the Companion of Ibn Abbas. The content of this hadeeth explains that the skin of dead animals that are lawful to eat when tanned becomes lawful.

The second hadith:

حَدَّثَنَا مُحَمَّدُ بْنُ طَرِيفٍ الْكُوفِيُّ حَدَّثَنَا مُحَمَّدُ بْنُ فَضِيلٍ عَنْ الْأَعْمَشِ وَالشَّيْبَانِيِّ عَنِ الْحَكَمِ عَنْ عَبْدِ كِتَابُ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ لَمْ يَنْزِلْ أَنْ لَا تَنْتَفِعُوا أَثَانَا الرَّحْمَنِ بْنِ أَبِي لَيْلَى عَنْ عَبْدِ اللَّهِ بْنِ عُكَيْمٍ قَالَ مِنَ الْأَمِيَّةِ بِإِبَاهِبٍ وَلَا عَصَبٍ

This hadith comes from the companion Abdullah bin 'Ukaim. The content of this hadeeth explains that a letter from the Messenger of Allah reached Abdullah bin 'Ukaim prohibiting him from utilizing carcasses, both the skin and the nerves.

Imam al-Hamdzani ash-Shafi'i said: The hadeeth from Ibn 'Abbas is stronger than the hadeeth of 'Abdullah ibn 'Ukaim. This is because Ibn 'Abbas heard it directly from the Messenger of Allah (blessings and peace of Allah be upon him), whereas the hadeeth of 'Abdullah ibn 'Ukaim was received by mukatabah (letter). And practicing the hadeeth that was narrated by sima' is better than muktabah."

## 3. Example Three: The Hadith about the marriage of Maimunah's mother to the Messenger of Allah (peace and blessings of Allah be upon him).

The first hadith:

حَدَّثَنَا قُتَيْبَةُ أَخْبَرَنَا حَمَّادُ بْنُ زَيْدٍ عَنْ مَطَرِ الْوَرَّاقِ عَنْ رَبِيعَةَ بْنِ أَبِي عَدِ الرَّحْمَنِ عَنْ سُلَيْمَانَ بْنِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَيْمُونَةَ وَهُوَ حَلَالٌ وَكُنْتُ أَنَا الرَّسُولُ فِيمَا تَزَوَّجَ بِسَارٍ عَنْ أَبِي رَافِعٍ. قَالَ بَيْنَهُمَا.

This hadith is from the companion of Abu Rofi'. The content of this hadeeth explains that the Messenger of Allah (peace and blessings of Allaah be upon him) married Maimunah's mother in a halal condition, that is, not in a state of ihram.

The second hadith:

النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّ حَدَّثَنَا مُسَدَّدٌ حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ عَنْ أَيُّوبَ عَنْ عَمْرِمَةَ عَنْ ابْنِ عَبَّاسٍ تَزَوَّجَ مَيْمُونَةَ وَهُوَ مُحْرِمٌ

This hadith comes from the Companion of Ibn Abbas. It explains that the Prophet (peace and blessings of Allaah be upon him) married Maimunah's mother while he was in ihram. Imam al-Hamdzani Ash-Shafi'i said: "The hadeeth of Ibn Rofi' is stronger than the hadeeth of Ibn 'Abbas, because Ibn Rofi' witnessed the marriage (was present when the marriage took place). Ibn Rofi' was a companion who was with the Messenger of Allah at that time. Whereas Ibn Abbas was the one who was not present at that time (did not join the group). Ibn 'Abbas narrated the hadeeth because another narrator told him about it. Therefore, following the hadeeth of Ibn Rofi' is better than the hadeeth of Ibn 'Abbas."

#### 4. Fourth example of the hadith concerning the ruling on reciting the Basmalah in prayer

The first hadith:

حَدَّثَنَا أَبُو مُحَمَّدٍ عَبْدُ اللَّهِ بْنُ إِسْحَاقَ الْعَدْلِيُّ بِبَعْدَادَ ، ثنا إبراهيم بن إسحاق بن السراج ، ثنا عتبة بن مكرم الضبي ، ثنا يونس بن بكير ، ثنا مسعر ، عن محمد بن قيس ، عن أبي هريرة ، قال: كان رسول الله صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ "يَجْهَرُ بِبِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ"

This hadith comes from the Companion Abu Hurairah. The content of this hadeeth explains that the Messenger of Allah (peace and blessings of Allaah be upon him) recited the basmalah in the jahriyah prayer.

The second hadith:

النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّ حَدَّثَنَا حَفْصُ بْنُ عُمَرَ قَالَ حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ عَنْ أَنَسِ بْنِ مَالِكٍ وَأَبَا بَجْرٍ وَعُمَرَ رَضِيَ اللَّهُ عَنْهُمَا كَانُوا يَفْتَتِحُونَ الصَّلَاةَ بِ "الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ"

This hadith comes from the Companion Anas bin Malik. The content of this hadith explains that the Messenger of Allah, Abu Bakr and Umar, when reading Surah Al-Fatihah in prayer immediately began with Al-Hamdulillahi Rabbil 'Alamin, without filtering the basmalah.

In the first hadeeth, the hadeeth about straining the basmalah: Uqbah ibn Mukram ad-Dhibbi was described by Ibn Hajar as "shaduq". Yunus ibn Bukayr's status is disputed, and some scholars regarded him as saheeh, according to one narration from Ibn Ma'in. But An-Nasa-i said: "he is dha'if", Yahya al-Hamani said: "I do not accept the hadeeth of Yunus". But Ibn Ma'in explained: "he is shaduq but was previously tsiqah, because he was with Ja'far bin Yahya Al-Barmaki and he was made rich by him. So someone said about Yunus: "He is suspected of being zindiq because of such and such", but Yunus said: "That is a lie". It is more correct to say that he is shaduq, as Ibn Ma'in said. Thus, this sanad is sound and can be used

as corroboration. However, this narration does not explicitly state that the Prophet (may Allah's peace and blessings be upon him) recited the basmalah in prayer.

Ibn Taymiyyah said: Scholars who are well-versed in the hadith are unanimously agreed that there is not a single saheeh hadith that explicitly mentions reciting the basmalah out loud. Similarly, it is not known that any of the well-known books of Sunan As-Sunan, such as Sunan Abu Daud, Sunan At-Tirmidhi and Sunan An-Nasa'i, narrate the basmalah jahr. The only narrations that mention it jahr are found in the maudhu'ah hadeeths narrated by Ats-Tsa'labi and Al-Mawardi - in Tafsir - and others like them, or in some of the books of the fuqaha who do not distinguish between false and false narrations.

When Al-Imam Ad-Daraquthni came to Egypt, he was asked to collect the hadiths that mention reciting the basmalah jahr. He did so. When he was asked, "Is there anything sahih about these hadiths?" He said: "There is nothing from the Prophet, but there are some sahih and some dhaif (weak) reports from the Prophet's companions."

So practicing the hadeeth that states that the basmalah is not recited is better than the hadeeth that filters it out.

#### 5. Fifth example of the hadith about reciting the Qunut in the morning prayer

The first hadith:

*حَدَّثَنَا عَبْدُ الرَّزَّاقِ قَالَ حَدَّثَنَا أَبُو جَعْفَرٍ يَعْنِي الرَّازِيَّ عَنِ الرَّبِيعِ بْنِ أَنَسٍ عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ مَا زَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقْنُتُ فِي الْفَجْرِ حَتَّى فَارَقَ الدُّنْيَا*

This hadith comes from the Companion Anas bin Malik. The content of this hadith explains that the Messenger of Allah (peace and blessings of Allah be upon him) always recited qunut in the Fajr prayer until he died.

The second hadith:

*أَبُو إِتْكَ قَدْ يَا حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ عَنْ أَبِي مَالِكٍ الْأَشْجَعِيِّ قَالَ قُلْتُ لِأَبِي صَلَّيْتُ خُفَّ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَبِي بَكْرٍ وَعُمَرُ وَعُثْمَانُ وَعَلِيٌّ بْنُ أَبِي طَالِبٍ هُنَا بِالْكَوْفَةِ نَحْوًا مِنْ خَمْسِ سِنِينَ أَكَانُوا يَقْنُتُونَ قَالَ أَبِي بَنِي مُحَدَّثٌ.*

This hadith comes from Abu Malik Al-Ashja'i. The content of this hadith explains that Abu Malik Al-Ashja'i asked his father who had prayed behind the Messenger of Allah, Abu Bakr, Umar, Uthman and Ali, for approximately 50 years, and whether they recited qunut in the morning prayer. His father replied that it was an innovation (muhdats). The first hadith that explains that it is Sunnah to recite the qunut at Fajr because the Messenger of Allah (peace and blessings of Allaah be upon him) used to recite the qunut at Fajr until he died has been highlighted by the scholars of al-Jarh wa At-Ta'dil. The narrator under scrutiny is Abu Ja'far Ar-Razi.

#### Imam Ahmad's opinion

Talking about Abu Jakfar Ar Razi. Imam Ahmad's opinion about Abu Jakfar, there are two narrations. First. Narrated by Hanbal from Ahmad ibn Hanbal, "Shalih hadith" (his hadith is sound). Second, from Abdullah, his son, "Laisa bi qawi (not strong). Al Hazimi in Nashih wa Manshuh says: The first narration is better (Al I'tibar, 256).

### **Opinion of Yahya ibn Ma'in**

As for the assessment of Yahya bin Ma'in, there are several reports: 1, from Isa ibn Manshur, "Tsiqah". 2, from Ibn Abi Maryam: "His hadiths are written, but he is often wrong". 3: narrated by Ibn Abi Khaitsamah: "righteous". 4, narrated by Mughirah, "tsiqah" and he was wrong when narrating from Mughirah. Daruquthni said: "And this hadeeth was not narrated from Mughirah". 5, narrated by As-Saji, "Shoduq wa laisa bimumutqin (his memorization is not valid)."

### **Opinion of Ali ibn Al Madini**

Ali ibn Al Madini: There are two narrations from him about Abu Jakfar. One narration says: He is like Musa bin Ubaidah, his hadith are mixed, when he narrates from Mughirah and the like. The other narration from Ibn Al Madini's son, Muhammad ibn 'Uthman ibn Ibn Shayibah, says: "For us he is tsiqah." Ibn al-Mulaqqin said: "The narration from his son (Ibn Al Madini's son) is better."

### **Opinions of the Huffadz**

Muhammad Bin Abdullah Al-Mushili said, "Tsiqah". Bin 'Ali Al-Falash said: "Shoduq, and he is among the truthful, but his memorization is not good". Abu Zur'ah said, "Sheikh yahummu katisran (many wahm)." Abu Hatim said, "Taqqah, shoduq, good in hadith." Abnu Harash, "His memorization is not good, shoduq (honest)". Ibn 'Adi, "He has decent hadith, and people narrate from him. Most of his hadith are mustaqim (straight), and I wish him laa ba'sa bih (no problem)." Muhammad ibn Sa'd: "He is tsiqah", when in Baghdad the scholars heard from him". Hakim in al-Mustadrak: "Bukhari and Muslim avoided him, and his position in the presence of all the Imams is the best"; elsewhere he said: "tsiqah". Ibn Abdi Al-Barr in Al-Istighna, "He (Abu Ja'far) is for them (the scholars) tsiqah, knowledgeable in matters of Qur'anic interpretation. Ibn Sahin mentioned him in "Tsiqat". Al-Hazimi said in Nasikh and Mansukh: "This is a saheeh hadith, and Abu Ja'far is tsiqah." Taqiyuddin Ibn Daqiq Al-'Ied in Al-Ilmam, after mentioning the hadeeth, said: "In the isnad is Abu Jakfar Ar-Razi. And he is saheeh, more than one scholar. Nasai said: "Laisa bil Qawi" (he is not strong in memorization)."

So practicing the hadeeth that states that the Messenger of Allah (peace and blessings of Allaah be upon him) did not qunut Fajr, and neither did Abu Bakr, 'Umar, 'Uthman and 'Ali is better. Wallahu A'lam.

## **CONCLUSION**

This study reveals that the isnad method in hadith studies is an important and influential element in the determination of Islamic law, although the thoughts of Ignaz Goldziher and Joseph Schacht caused controversy by claiming that the isnad method only developed in the second half of the hijriyah. Through a qualitative approach with a descriptive-analytical method, this study verifies that the isnad method existed earlier than Goldziher and Schacht thought. A critical analysis of the arguments of both thinkers, supported by primary data from various hadith collections and their works, shows that their conclusions regarding the development of isnad are not entirely accurate.

The research also confirms that hadith isnads have a significant influence in the determination of Islamic law by fuqaha'. Using data collection techniques that include literature study and text analysis, as well as data analysis techniques that involve critical analysis and validation through source triangulation, this research successfully provides a new perspective and challenges conventional views regarding the history and development of the isnad method.

Overall, the findings of this study not only reinforce the validity of the isnad method in the Islamic tradition but also criticize and revise the historical views put forward by Goldziher and Schacht, showing that hadith isnads have played an important role from the beginning in the formation of Islamic law.

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