

## THE RATIO OF *MAUQUF* HADITH AND COMPANIONS' *IJTIHAD* IN ISLAMIC LAW *ISTINBATH*

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### ABSTRACT

This study aims to discuss the ratio of *mauquf* hadith and *ijtihad* of friends in the case of *mut'ah* marriage being forbidden. This research uses a qualitative approach with descriptive methods. The results of the research and discussion show that the *ijtihad* of Umar ibn al-Khathab's friend regarding *mut'ah* marriage is a *mauquf haqiqi* hadith as the ratio of *ijtihad mutlaq mustaqil* and is a famous *mauquf* hadith as the ratio of *ijtihad jamai'*, and the *ijtihad* of Umar's friend is the *atsar* of the Prophet SAW. the *mauquf* lafdzi category which is *marfu* hukmi because it has the support of the Prophet's provisions. This study succeeded in concluding that there is a ratio between the *mauquf* hadith and the *ijtihad* of a friend in the case of Umar ibn al-Khathab's *ijtihad* in the Shari'a prohibiting *mut'ah* marriage which is accepted as an argument for Islamic practice.

Keywords: *Ijtihad; Mauquf; Mut'ah; Nisbah; Sahabat*

### ABSTRAK

Penelitian ini bertujuan untuk membahas nisbah hadis *mauquf* dan *ijtihad* sahabat dalam kasus pengharaman nikah *mut'ah*. Penelitian ini menggunakan pendekatan kualitatif dengan metode deskriptif. Hasil penelitian dan pembahasan menunjukkan bahwa *ijtihad* sahabat Umar ibn al-Khathab tentang nikah *mut'ah* merupakan hadis *mauquf haqiqi* sebagai nisbah *ijtihad mutlaq mustaqil* dan merupakan hadis *mauquf* masyhur sebagai nisbah *ijtihad jamai'*, dan *ijtihad* sahabat Umar ini merupakan *atsar* Nabi Saw. kategori *mauquf* lafdzi yang bersifat *marfu* hukmi karena mendapat dukungan ketentuan Nabi Saw. Penelitian ini berhasil menyimpulkan bahwa terdapat nisbah antara hadis *mauquf* dan *ijtihad* sahabat pada kasus *ijtihad* Umar ibn al-Khathab dalam syariat larangan nikah *mut'ah* yang bersifat *maqbul* sebagai hujah pengamalan Islam.

Kata Kunci: *Ijtihad; Mauquf; Mut'ah; Nisbah; Sahabat*

### INTRODUCTION

The prohibition of *mut'ah* marriage is only one case of establishing (*istinbat*) Islamic law (shari'a) based on the perspective of hadith and *ijtihad*. If hadith is the scope of hadith science (Soetari 1994), then *ijtihad* is the field of study of *ushul al-fiqh* (Al-Jawziyyah 1977). The case of prohibiting *mut'ah* marriage (Fauzan Azima 2019) indicates that there is a nisbah (ratio) (Darmalaksana 1998) between *mauquf* hadith (Baharuddin 2011) and friend's *ijtihad* (Al-Ruhaily 1994). However, the study of the ratio between the two is still a rare reality in understanding *istinbat* cases for proof of Islamic practice. Therefore, this study is interested in studying the ratio between *mauquf* hadith and *ijtihad* of friends by taking the case of the prohibition of *mut'ah* marriage.

The results of previous research regarding the *mauquf* hadith regarding *mut'ah* marriage have been carried out by researchers. Among others, Fauzan Azima, M. (2019), "Study of Muslim Hadith (The Case of *Mauquf* Hadith concerning the Practice of *Mut'ah* Marriage in the Age of

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Friends)," *Ulunnuha Journal*. This research states that *mauquf* hadiths as hadiths originating from friends are not always in tune with the hadiths of the Prophet (*hadith marfu'*). Sometimes the contents of the *mauquf* hadith seem to contradict the *matan* of the *marfu'* hadith. In the chapter on *mut'ah* marriage, a *mauquf* hadith is found which informs the practice of *mut'ah* marriage during the time of the companions after the death of Rasulullah SAW. This information seems to be inconsistent with the *hadith marfu'* which contains the eternal prohibition of *mut'ah* marriage by the Prophet. Both hadiths are included in *Sahih Muslim* as one of the hadith compilation books which are claimed to only contain authentic hadiths, so that research on these hadiths also serves as a touchstone for the consistency of Imam Muslim, the compiler of *Sahih Muslim*, in applying the criteria for the validity of hadiths. The results of this study indicate that the *mauquf* hadith regarding the practice of *mut'ah* marriage during the friendship period in *Sahih Muslim* is of *maqbul* quality, the sanad has the status of *hasan li gairih* and the mata is valid. The quality of the *maqbul* hadith *mauquf* regarding the practice of *mut'ah* marriage is an indication of the consistency of the Muslim Imam in applying the criteria for the validity of his hadith to the *mauquf* hadith (Fauzhan Azima 2019).

The results of previous research and current research have similarities in discussing the hadith of *mauquf* of *mut'ah* marriage. However, there is a difference in that the results of previous studies discuss the hadiths of *mauquf* of *mut'ah* marriage in the study of hadith science specifically, while the current research discusses the hadiths of *mauquf* of *mut'ah* marriage within the framework of the ratio with the *ijtihad* of friends who are the focus of the field of *ushul al-fiqh*. The framework in Figure 1 needs to be structured as a logical flow outline for the course of this research.

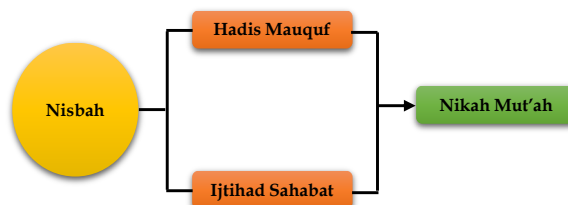


Figure 1. Thinking Framework

First, it is necessary to explain the meaning of the ratio. According to the Big Indonesian Dictionary (KBBI), the ratios are: 1) Family relations; 2) A name that states ancestry (Setiawan 2021). In line with this, the ratio referred to here is the relationship between the science of hadith and the science of Islamic law. Precisely the relationship between *mauquf* hadith and *ijtihad* of friends. This research seeks to link *mauquf* hadith in the constellation of hadith science and companion *ijtihad* within the scope of Islamic jurisprudence (*usul al-fiqh*). It is assumed that between *mauquf* hadith and companion *ijtihad* there is a ratio in determining Islamic law. If the *mauquf* hadith is a form, then the *ijtihad* of a friend is the process of taking the law (*istinbat al-hukm*) in establishing Islamic rules. In fact, both, namely *mauquf* hadith and companion *ijtihad*, are understood as legal products. It is also understood that hadith and *ijtihad* are sources of Islamic law. Hadith or sunnah is the second source of Islamic law after the Qur'an and *ijtihad* is the third source of Islamic law (Rahman 1985). Meanwhile, *mut'ah* marriage here is only a sample or case. *Mut'ah* marriage itself is married to a woman within a certain time limit (Ridwan 2014). *Mut'ah* marriage here is positioned as a product of Islamic law. Once upon a time Umar ibn al-Khattab's friend issued a fatwa forbidding *mut'ah* marriage. After previously the companions after the death of the Prophet, there are those who practice *mut'ah* marriage, even though it was forbidden during the time of the Prophet (Fauzhan Azima 2019). Emphasize that the case of the prohibition of *mut'ah* marriage can be a model for studying the ratio between the *mauquf* hadith and the *ijtihad* of a friend.

A literature review is needed to interpret the research results. This research is built on the theoretical foundation of hadith and Islamic law. Simply put, the science of hadith is the science of hadith (Soetari 1994). Hadith itself are words (qaul), deeds (af'al), statements (*taqrir*), and so on, which are based (*idhafah*) on the Prophet. (hadith *marfu'*), to friends (hadith *muquf*), to *tabi'in* (hadith *maqthu'*). Hadith is also called khabar, *atsar* (Soetari 1994), and even called *sunnah* in a broad sense (Rahman 1985). *Mauquf* hadith, i.e. *idhafah* hadith to friends (Baharuddin 2011), in terms of clarity (*sarih*) and ambiguity (*gair sarih*) it consists of *mauquf haqiqi* hadith (clear) and *mauquf hukmi* hadith (unclear). The *mauquf* hukmi hadith is not a friend's practice but *tabi'in* behavior that is quoted from a friend. In the case of a *marfu'* hadith whose reliance is from the sanad (chain of narrators) only reaching friends, it is called *marfu'* *gair sarih* or *marfu'* hukmi hadith. So things like qaul (sayings) of friends which are the behavior of the Prophet. then it is called *mauquf lafdzi marfu' hukmi* (Darmalaksana 1998). Instead of that, the division of *mauquf* hadith includes the famous (popular) *mauquf* hadith and the *mauquf ahad* (isolated) hadith. Apart from being called a *mauquf* hadith, anything that comes from a friend is called a friend's khabar, friend's *atsar*, and friend's *sunnah* (Rahman 1985).

Islamic jurisprudence (*ushul al-fiqh*) means knowledge of Islamic law (Darmalaksana 2022). The science of Islamic law places *ijtihad* as a formulation of thought in depth (Rahman 1985), including *ijtihad* of friends, namely the taking of Islamic law carried out by friends (Surono and Anita 2022), as a field of study. According to *ushul al-fiqh*, *ijtihad*, to be exact, perfect *ijtihad* (*tam al-ijtihad*) consists of *ijtihad mutlaq mustaqil* and *ijtihad mutlaq muntasib*. The first *ijtihad* was carried out by creating legal norms and *istinbat* which became a system for mujtahid in exploring law. The second *ijtihad* is carried out by using the norms and rules of *istinbat* made by the mujtahid *mutlaq mustaqil* (Darmalaksana 1998). While the model of *ijtihad* includes *ijtihad jama'i'* (collective) and *ijtihad* of fard friends (individuals). The companions made *ijtihad*, both in the presence of the Prophet and *ijtihad* behind the Prophet (Rahman 1985). *Ijtihad* companions in the presence of the Prophet and corrected by the Prophet. understood as a text (judge) for the practice of Islamic law.

The main problem of this research is that there is a ratio of *mauquf* hadith and *ijtihad* of friends in the case of *mut'ah* marriage being forbidden. The formulation of the research problem intends to answer these main problems as well as the objectives of this research. Theoretically, this research is useful as a study of the ratio of hadith science and Islamic jurisprudence in the *istinbat* of Islamic law. Practically, this research is useful as a reference for the practice of shari'a based on a review of the ratios of *mauquf* hadith and *ijtihad* of friends in the case of *mut'ah* marriage being forbidden.

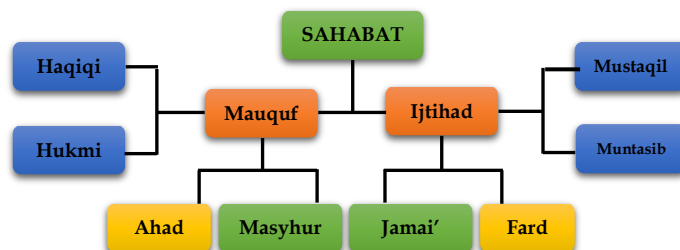
## **RESEARCH METHOD**

This study used a qualitative approach with a descriptive-analytical method (Darmalaksana 2020a). The types and data of this research are the types and data of qualitative research. Research data sources include primary and secondary sources. Primary sources include the theory of hadith science regarding *mauquf* hadith, the theory of Islamic law regarding *ijtihad* of friends, and the results of studies on *mut'ah* marriage law. While secondary sources include study materials related to research topics, especially taken from scientific journals. Data collection techniques in this study were carried out through library research. Meanwhile, data analysis techniques are carried out through inventory, classification, and interpretation (Darmalaksana 2020b).

## RESULT AND DISCUSSION

### 1. Description of the *Mauquf* Hadith Ratio and Companion *Ijtihad*

The results of the study found that the ratio between *mauquf* hadith and companion *ijtihad* is shown in Figure 2.



**Figure 2. The ratio of *Mauquf* Hadith and Companion *Ijtihad***

Figure 2 confirms that what is produced by a friend includes two things, namely *mauquf* hadith and friend's *ijtihad*. *Mauquf* hadith includes *mauquf haqiqi* hadith and *mauquf hukmi* hadith. *Ijtihad* of a friend includes *mutlaq mustaqil* and *mutlaq muntasib*. *Mauquf* hadith is divided into famous and ahad. While the division of *ijtihad* includes *jamai'* and *fard*.

### 2. Testing the *Mauquf* Hadith Ratio and Companion *Ijtihad*

It is known that there is a ratio between the *mauquf haqiqi* hadith and the *ijtihad* of the companions of *mutlaq mustaqil* (chart 2). Both are called independent best friend behavior. There is also a ratio between the *mauquf hukmi* hadith and the *ijtihad* of the *muntasib* companions (chart 2). Both are categorized as the practice of the *tabi'* in generation which is affiliated with the behavior of friends. In addition, there is a ratio between the *ijtihad* of *jamai'* companions and the famous *mauquf* hadith (chart 2). There is also a ratio between the *ijtihad* of *fard's* companions and the *mauquf ahad* hadith (chart 2).

As previously mentioned, the Prophet's correction. towards the *ijtihad* of a friend is understood as a text. This is called by the *muhaddisin* (experts in hadith) as the hadith *taqriri*. The *ijtihad* of a friend who gets firmness from the Prophet is called a hadith *marfu'* taqriri. The *ijtihad* of the companions behind the Prophet which can be said to be *marfu'* includes the actions of the companions in interpreting the Qur'an accompanied by *asbab al-nuzul* verses. This last thing is called *musnad*, namely *marfu'* hadith. Thus, the *ijtihad* of companions or *mauquf* hadiths which are accommodated in the Book of Sahih Bukhari and Muslim are *atsar* of the Prophet SAW. Also called the *sunnah*, to be exact, the *sunnah* of the companions. If the *ijtihad* of a friend is a process of law formation, then the *mauquf* hadith is a legal product which is the basic source of Islamic law.

### 3. *Mut'ah* marriage blasphemy, ratio of *Mauquf* Hadith and Friends' *Ijtihad*

The results of the study show that there is a ratio between the *mauquf* hadith and the *ijtihad* of a friend. The *mauquf* Hadith of Umar ibn al-Khattab regarding *mut'ah* marriage is the result of *ijtihad*. The existence of the Companions, even though the concept of *ismah* (awake) and *'udul* (fair) are sometimes disputed, but basically they have a high position in scholarship and virtue, especially al-Khulafa al-Rashidun who was given the title Amirul al-Mu'minin by the Sunnis. More specifically Umar ibn al-Khattab. A friend who fulfills the requirements of *muhaddis* (hadith narrators) and mujtahid (reformers) of Islamic law. Some *muta'akhirun* scholars from the Hanafiyah, Malik, and Ahmad circles saw the actions of the Companions as the practice of the Prophet's *sunnah* and the delivery of sharia. They make the practice of friends as *hujah* (Darmalaksana 1998).

*Mut'ah* marriage as mentioned earlier was once prohibited by the Prophet but in the period after the Prophet there were several companions who did it on the grounds that they did not know that there was a prohibition of the Prophet then during the time of Caliph Umar ibn al-Khattab by Caliph Umar himself the practice of *mut'ah* marriage was prohibited or prohibited (Fauzhan Azima 2019). In line with the ratio between *mauquf* hadith and companion *ijtihad*, the history of the prohibition of *mut'ah* marriage by Umar is called the *mauquf*, *khobar*, *atsar*, and *ijtihad* traditions of Umar ibn al-Khattab, while behavior that goes according to Umar's prohibition is called Umar's sunnah. Al-Syatibi is of the view that the sunnah of a friend is a sunnah that must be practiced and used as a reference (Al-Syatibi 1986). Although this view had received criticism (Al-Hakim 1974), among them Ibn al-Qayyim rejecting the opinion of the companions as *hujah*, but this rejection when there are opinions of other friends who are stronger against it (Al-Jawziyyah 1977). Al-Ruwai'iy al-Ruhaily emphasized that the deeds and sayings of friends can be an argument if they do not conflict with the Al-Qur'an and the Sunnah of the Prophet (Al-Ruhaily 1994).

According to Subhi al-Shalih (Al-Shalih 1993), Fatchur Rahman (Rahman 1991), and Ajjaj al-Khatib (Al-Khatib 1975), *mauquf* hadith is a daif hadith that is *mardud* (rejected) to be used as evidence. Even so, a daif hadith can be promoted to *hasan li gairihi* through the *i'tibar* process if there are martyrs (another *sanad*) and muttabi (another matan) as supporters (Soetari 1994). Like authentic hadiths, *hasan* hadiths are *maqbul* (accepted) as proof of Islamic practice. In the context of the ratio between *mauquf* hadith and companion *ijtihad*, the *i'tibar* process is identical to *ijma* (consensus) in *ijtihad* activity. *Ijma* at the time of the Companions was needed to determine the final word, whether it could be absolute argument (Darmalaksana 1998).

The hadith of *mauquf* nikah *mut'ah* issued by Umar ibn al-Khattab is literally *mauquf* lafdzi but legally it is *marfu'* (musnad). Viewed from the side of the sanad (chain of narrators), this *mauquf* hadith of Umar ibn al-Khattab is *muttasil* (continued), the opposite of *munfasil* (broken), reaching Umar as a narrator from among the companions. From the point of view of the matan (hadith editor), this history of *mauquf* Umar ibn al-Khattab does not conflict with the texts of the Qur'an and has support from the hadiths of *marfu'*. This *mauquf* Hadith of Umar ibn al-Khattab also fulfills the famous category, not ahad (Darmalaksana 1998). The *ijtihad* of Umar ibn al-Khattab's friend regarding *mut'ah* marriage has fulfilled the *ijma* because it was agreed upon by other friends and became a sunnah for the tabi'in generation (Fauzhan Azima 2019).

The results of previous research conducted by Fauzhan Azima (2019) confirmed that the *mauquf* hadith of Umar ibn al-Khattab regarding *mut'ah* marriage is in tune with the hadith of the Prophet (hadith *marfu'*). Both hadiths are included in Sahih Muslim as a compilation of authentic hadiths. Hadith of *mauquf* Umar ibn al-Khattab concerning *mut'ah* marriage with *maqbul* quality, the *sanad* has the status of *hasan li passionate* and the mata has valid value (Fauzhan Azima 2019). As an extension of the results of previous research, the findings of the present study show that the product of the *ijtihad* of a friend in the form of a *mauquf* hadith about the *mut'ah* marriage law is *mauquf haqiqi* as the firmness of the *ijtihad* of a friend (Darmalaksana 1998), and on the other hand is *marfu' hukmi* which is supported by the provisions of the text from the hadith of the Prophet SAW (Fauzhan Azima 2019). Strictly speaking, it can be ascertained that the Shari'a prohibiting *mut'ah* marriage is authentic in *mauquf* and *mutlaq mustaqil* according to the *ijtihad* of friends based on a study of the ratio between the two, and even the prohibition on *mut'ah* marriage is *musnad* (*marfu' hukmi*) as proof of Islamic practice.

## CONCLUSION

This study succeeded in concluding that there is a ratio between *mauquf* hadith and *ijtihad* of Umar ibn al-Khattab's friend in the case of the prohibition of *mut'ah* marriage as proof of Islamic

practice. The results of the research and discussion show that the *ijtihad* of Umar ibn al-Khattab's friend regarding *mut'ah* marriage is a *mauquf haqiqi* hadith as the ratio of *ijtihad mutlaq mustaqil* and is a famous *mauquf* hadith as the ratio of *ijtihad jamai'*, and the *ijtihad* of this friend is the *atsar* of the Prophet SAW. the category of *mauquf* lafdzi which is *marfu* hukmi which is obeyed by the *tabi'in* generation as the *sunnah* of Umar ibn al-Khattab's companions because it gets the provisions of the Prophet SAW. This research enriches the results of previous studies which have theoretical and practical implications for developing a study of the ratio between the science of hadith and *ushul al-fiqh*. This research is limited to only describing cases of *mut'ah* marriage so that it becomes an opportunity for further research to examine contextual cases. This research recommends the *ahkam* hadith study institute to develop an integrative study of the ratios of hadith science and Islamic law in responding to the problems of the *ummah* in the present.

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