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## The Understanding of *Wasl Al-Fiqh Bi Al-Hadith* at Traditional Dayah Aceh

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### Abstract:

*Wasl al-Fiqh bi al-Hadith* integrates jurisprudence and hadith so that it enables fiqh experts to rely on hadith in formulating their rulings while hadith experts can derive a more accurate interpretation. Among others, this concept is applied at Aceh traditional dayah as the oldest Islamic educational institution in the Malay Archipelago which Acehness put their respect as the reference in Islamic rulings and teaching. This field study took place at Dayah Mudi Mesra, Samalanga, Aceh, due to its long-established reputation and great influence among Acehnese. The study aims to shed some light on the concept of *wasl al-Fiqh bi al-Hadith* according to some Islamic scholars, analyze the concept as perceived by the traditional Dayah of Aceh, and portray the polemic on Friday prayer ritual as prescribed by the traditional Dayah. The study employs qualitative data collection instruments consisting of library data, interviews, observations, and documentation. Inductive, deductive, and comparative methods were used for data analysis. The study found that implementation of this concept at the Dayah has been synonymous with the exclusive adoption of Shafi'i school as it heavily relies on several Shafi'i books or opinions of Shafi'i scholars as primary references.

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**Keyword:**

*Wasl al-Fiqh bi al-Hadith*; Jurisprudence; Dayah Aceh

**Abstrak:**

*Wasl al-fiqh bi al-hadith* memadukan kajian fiqh dan hadis sehingga ahli fiqh dapat berpedoman kepada hadis dalam merumuskan aturan-aturan hukum sementara ahli hadis dapat mengetahui makna sebuah hadis dengan lebih akurat. Konsep ini salah satunya diterapkan di Dayah Tradisional Aceh, sebuah lembaga kajian Islam tertua di Kepulauan Melayu yang disegani dan menjadi rujukan dalam hal aturan serta ajaran Islam di masyarakat setempat. Kajian ini merupakan studi lapangan yang bertempat di Dayah Mudi Mesra Samalanga Aceh karena pengaruhnya yang sudah lama dan berakar kuat bagi masyarakat Aceh. Ia bertujuan mendalami konsep *wasl al-fiqh bi al-hadith* menurut para cendekiawan Muslim, mengkaji pemahaman akan konsep *wasl al-fiqh bi al-hadith* di kalangan Dayah tersebut dan memotret polemik soal pelaksanaan Salat Jumat di dalamnya. Kajian ini merupakan studi kualitatif dengan pengumpulan data secara pustaka, wawancara, observasi, dan dokumentasi. Sementara itu, analisis data dilakukan secara induktif, deduktif, dan komparatif. Hasil penelitian ini menunjukkan bahwa implementasi konsep tersebut sebenarnya tidak lebih dari adopsi eksklusif terhadap madzhab Syafi'i karena ketergantungan yang demikian kuat pada buku-buku madzhab Syafi'i serta pandangan ulama-ulama Syafi'iyah sebagai referensi utama.

**Kata Kunci:**

*Wasl al-Fiqh bi al-Hadith*; Jurisprudensi; Dayah Aceh

**Introduction**

The matter of positioning *hadith* as the second source after the Qur'an is a fact that is always acknowledged by all Muslims in daily life. However, if this matter is studied comprehensively, there are always things that are not in line with the goals to be achieved by the substance of the *hadith*. Yet, it is more to follow whatever suits their interests and deny others. This problem often occurs in the religious life of people in Aceh.

The program implementation was appointed Friday prayers as one example of jurisprudence which has raised the issue of

insurrection and religious conflicts that have occurred among the people in Aceh massively. This event was conducted by a large group of traditional Aceh Islamic boarding school alumni who gathered in the Islamic Defenders Front (FPI) at the mosque of Baiturrahman Banda Aceh on July 26, 2015.<sup>1</sup> Thousands of Islamic boarding school students and scholars coming from various areas of Aceh in the assembly on 10<sup>th</sup> of September 2015 in the tomb of Syiah Kuala (Shaykh Kuala) read some claims to the Government of Aceh and the central government in Jakarta. One of the demands is to transfer the administration of the Baiturrahman Great Mosque to the Dayah scholars and under the board of Wali Nanggroe.<sup>2</sup>

Things, as mentioned, have led to the emergence of academic anxiety so that we are interested in studying the conceptual framework of *Wasl al-Fiqh bi al-Hadith* which has been compiled by several scholars and used as a guide in thinking and understanding *hadith* correctly. We also examine the understanding of the concept of *Wasl al-Fiqh bi al-Hadith* in the traditional Aceh Islamic boarding school. The focus that we concern is how Dayah scholars understand the concept of *Wasl al-Fiqh bi al-Hadith*.

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<sup>1</sup>Al Chaidar, "Menyoal Benturan Antarmazhab di Aceh," *Aceh Tribunnews*: <http://aceh.tribunnews.com/2015/06/26/menyoal-benturan-antarmazhab-di-aceh>. Accessed On 25 Ogos 2018.

<sup>2</sup>Animos, "Ulama Dayah Minta Pengelolaan Masjid Raya Baiturrahman di Bawah Wali Nanggroe," *Analisadaily*: <https://analisadaily.com/berita/arsip/2015/9/10/169516/ulama-dayah-ingin-kelola-masjid-baiturrahman/>. Accessed on 28 September 2020. Humas Aceh, "demonstrasi tak selesaikan perkara ibadah," *Humas Aceh*: <https://humas.acehprov.go.id/>. Accessed on 12 September 2020.

## Method

We used a qualitative approach<sup>3</sup> in the form of descriptive analysis. In doing research, we have divided the processes into two stages, namely data collection and data analysis.

The data were collected through library research, observation, in-depth interview by disguising the name of the interview sample (pseudonym), and documentation which involved online news, printed media, and the website of Lajnah Bahsul Masail (LBM). This study was conducted in Ma'hadal Ulum Diniyah Islamiyah Mesjid Raya Samalanga, Bireuen, Aceh province as the largest and most influential Islamic boarding school in Aceh.<sup>4</sup> Meanwhile, the data were analyzed by using inductive,<sup>5</sup> deductive,<sup>6</sup> and comparative.<sup>7</sup>

## Discussion and Result

### Conceptual Framework of *Wasl al-Fiqh bi al-Hadith (Ma'alim wa Dawabit)*

Concerning the discussion of the conceptual framework of *Wasl al-Fiqh bi al-Hadith*, the scholars have already made some methods that must be practiced to successfully apply this concept as practiced in early Islam.

Faisal Bin Ahmad Shah in his book *Kaedah Tepat Memahami Hadis* has mentioned twenty methods that should be used as a guide in applying this concept, namely (1) understanding *hadith* according to the perspective of the Qur'an<sup>8</sup> which is divided into several parts of the discussion<sup>9</sup> as follows; Strengthening the meaning of *hadith* with

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<sup>3</sup>See Miles dan Huberman, *Qualitative Data Analysis: A Source Book of New Methods* (California: Sage Publication, 1994).

<sup>4</sup>See Firdaus, Hasbi Amiruddin, dan Amroeni, "The Role of Huda in the Implementation of Islamic Shari'ah in Aceh," *IOSR Journal Of Humanities And Social Science* II, no. 5 (2017): 15, [www.iosrjournals.org](http://www.iosrjournals.org).

<sup>5</sup>See Muhammad Majid Konting, *Kaedah Penyelidikan Pendidikan* (Kuala Lumpur: Dewan Bahasa dan Pustaka, 1990). 13.

<sup>6</sup>This study is to formulate a conclusion of general evidence.

<sup>7</sup>This study is to formulate a conclusion by doing a comparison of factual data. A Comparative study is used in analyzing the comparison of the concept of *Wasl al-Fiqh bi al-Hadith* in the Dayah's scholars, Aceh.

<sup>8</sup>Faisal Bin Ahmad Shah, *Kaedah Tepat Memahami Hadis* (Kuala Lumpur: Universiti Malaya, 2016). 70.

<sup>9</sup>Faisal, *Kaedah Tepat*, 70-80.

some evidence in the Qur'an, interpreting the meaning of the word *gharib* with some evidence in the Qur'an, understanding the matter of *mujmal* in *hadith* with some evidence in the Qur'an, understanding *hadith* by referring to the Qur'an, understanding *hadith* by generalizing *hadith* with the Qur'an, distinguishing the words shared by *hadith* and the Qur'an, understanding *hadith* by referring to the Qur'an and restricting *mutlaq sunnah* with the Qur'an, (2) explaining *hadith* with other *hadith*,<sup>10</sup> (3) understanding the *hadith* according to the understanding of the *salaf*,<sup>11</sup> (4) mastering the Arabic language and its methods,<sup>12</sup> (5) understanding and deepening the knowledge of *Gharib al-Hadith*,<sup>13</sup> (6) understanding *hadith* according to the method of *Usul al-Fiqh*,<sup>14</sup> (7) identifying and understanding *al-'Amm, al-Khass, al-Mutlaq* and *al-Muqayyad*,<sup>15</sup> (8) understanding *hadith* by referring to *Asbab al-Wurud*,<sup>16</sup> (9) understanding *hadith* based on *Maqasid*,<sup>17</sup> (10) looking at the actual recitation of the *hadith*; is not in its meaning,<sup>18</sup> (11) distinguishing *Marfu', Mawquf, Mursal* and alike,<sup>19</sup> (12) identifying certain properties found in *hadith*,<sup>20</sup> (13) focusing on the objective of the *hadith*, not its essence (form)<sup>21</sup> (14) adhering to the appearance of *hadith* (textual) without interpreting it,<sup>22</sup> (15) interpreting *hadith* if necessary,<sup>23</sup> (16) distinguishing fact and metaphor (*majaz*) in understanding *hadith*,<sup>24</sup> (17) not to over use common sense in understanding *hadith*,<sup>25</sup> (18) not to interpret *hadith* with interpretations

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<sup>10</sup>Faisal, *Kaedah Tepat*, 80.

<sup>11</sup>Faisal, *Kaedah Tepat*, 91.

<sup>12</sup>Faisal, *Kaedah Tepat*, 91.

<sup>13</sup>Faisal, *Kaedah Tepat*, 96.

<sup>14</sup>Faisal, *Kaedah Tepat*, 98.

<sup>15</sup>Faisal, *Kaedah Tepat*, 109.

<sup>16</sup>Faisal, *Kaedah Tepat*, 115.

<sup>17</sup>Faisal, *Kaedah Tepat*, 120.

<sup>18</sup>Faisal, *Kaedah Tepat*, 129.

<sup>19</sup>Faisal, *Kaedah Tepat*, 132.

<sup>20</sup>Faisal, *Kaedah Tepat*, 134.

<sup>21</sup>Faisal, *Kaedah Tepat*, 136.

<sup>22</sup>Faisal, *Kaedah Tepat*, 143.

<sup>23</sup>Faisal, *Kaedah Tepat*, 153.

<sup>24</sup>Faisal, *Kaedah Tepat*, 157.

<sup>25</sup>Faisal, *Kaedah Tepat*, 161.

that are contrary to *Sunan Ilahiyyah*,<sup>26</sup> (19) understanding *Mukhtalif al-Hadith* wisely,<sup>27</sup> (20) identifying *Nasikh Mansukh* found in the *hadith*.<sup>28</sup>

Although in the title of the twenty methods mentioned to understand the *hadith*, the twenty methods also provide great effectiveness in jurisprudence decisions resulting from the understanding of the *hadith*. Although the definition of *al-Fiqh* referred to in the book has a preferable tendency to *Fiqh al-Qur'an* and *Fiqh al-Hadith* generally,<sup>29</sup> but the word *al-Fiqh* in a special understanding that has been put forward by the scholars of *fiqh* and *Usul al-Fiqh* in the form of law is also produced from *Fiqh al-Qur'an* and *Fiqh al-Hadith*. Therefore, we have seen a strong rationale to make it as a theoretical framework of *Wasl al-Fiqh bi al-Hadith*.

Yusuf al-Qaradawi in his four books has also made a conceptual framework that can be used as a guide, either by the *muhaddithun* or *fuqaha'*. The four books are *Kayfa nata'amal ma'a al-Sunnah al-Nabawiyyah*, *al-Ijtihad al-Mu'asir bayna al-Indibat wa al-Infirah*, *al-Ijtihad fi al-Shari'ah al-Islamiyyah*, and *al-Marji'iyah al-Ulya li al-Qur'an wa al-Sunnah*. In the book *Kayfa nata'amal ma'a al-Sunnah al-Nabawiyyah*, he has made some theoretical framework to understand the *hadith* correctly mentioned as *Ma'alim wa Dawabit li Husn Fahm al-Sunnah al-Nabawiyyah*, as follows<sup>30</sup> (a) understanding *hadith* according to the perspective of the Qur'an,<sup>31</sup> (b) collecting the entire *hadith* to find the correct understanding,<sup>32</sup> (c) making an effort of *Jama' or Tarjih* between *Mukhtalif al-Hadith*,<sup>33</sup> (d) understanding *hadith* by referring to *Asbab al-Wurud* and *Maqasid*,<sup>34</sup> (e) distinguishing means (*al-Wasilah*),<sup>35</sup> (f) distinguishing fact and metaphor (*majaz*) in understanding *hadith*,<sup>36</sup> (g)

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<sup>26</sup>Faisal, *Kaedah Tepat*, 165.

<sup>27</sup>Faisal, *Kaedah Tepat*, 167.

<sup>28</sup>Faisal, *Kaedah Tepat*, 195.

<sup>29</sup>Faisal, *Kaedah Tepat*, 3-4.

<sup>30</sup>Yusuf Al-Qaradawi, *Kayfa Nata'amal ma'a al-Sunnah al-Nabawiyyah*, III (Cairo: Dar al-Shuruq, 2005). 111.

<sup>31</sup>Al-Qaradawi, *Kayfa Nata'amal ma'a al-Sunnah*, 113.

<sup>32</sup>Al-Qaradawi, *Kayfa Nata'amal ma'a al-Sunnah*, 123.

<sup>33</sup>Al-Qaradawi, *Kayfa Nata'amal ma'a al-Sunnah*, 133.

<sup>34</sup>Al-Qaradawi, *Kayfa Nata'amal ma'a al-Sunnah*, 145.

<sup>35</sup>Al-Qaradawi, *Kayfa Nata'amal ma'a al-Sunnah*, 159.

<sup>36</sup>Al-Qaradawi, *Kayfa Nata'amal ma'a al-Sunnah*, 175.

distinguishing the unseen (*al-Ghayb*) and the real (*al-Shahadah*),<sup>37</sup> and (h) identifying the meaning of the naming of the *hadith*.<sup>38</sup>

In the book *al-Ijtihad fi al-Shari'ah al-Islamiyyah*<sup>39</sup> before revealing the theoretical framework that must be guided by a *mujtahid*, firstly he revealed the mistakes that have been practiced by some scholars in producing legal decisions in the discussion entitled "*Min Mazaliq al-Ijtihad al-Mu'asir*",<sup>40</sup> namely (a) do not rely on *Nusus*,<sup>41</sup> (b) do not understand *Nusus* correctly or intentionally negating the correct understanding,<sup>42</sup> (c) do not rely on the correct *Ijma'*,<sup>43</sup> (d) misusing *Qiyas*,<sup>44</sup> (e) do not consider the development of age,<sup>45</sup> and (f) being excessive (*Ghuluww*) in performing the concept of *Maslahah*, so that it contradicts with *Nusus*.<sup>46</sup>

Meanwhile, the framework that must be maintained and practiced is as follows (a) performing *ijtihad* after working hard to find and understand the evidence,<sup>47</sup> (b) do not do struggle in the matter of *Qath'i*,<sup>48</sup> (c) do not make *Zanniyyat* as *Qath'iyyat*,<sup>49</sup> (d) integrating *fiqh* with *hadith*,<sup>50</sup> (e) avoiding worldly influences,<sup>51</sup> (f) accepting useful new things,<sup>52</sup> (g) not being complacent with the current development and needs of people,<sup>53</sup> (h) doing *Ijtihad Jama'i*,<sup>54</sup> and (i) understanding the mistakes that happen to a *Mujtahid*.<sup>55</sup>

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<sup>37</sup>Al-Qaradawi, *Kayfa Nata'amal ma'a al-Sunnah*,. 191.

<sup>38</sup>Al-Qaradawi, *Kayfa Nata'amal ma'a al-Sunnah*,. 197.

<sup>39</sup>All the substances in the *al-Ijtihad al-Mu'asir bayna al-Indibat wa al-Infirat* have been stipulated in *al-Ijtihad fi al-Shari'ah al-Islamiyyah*. It seems that the discussion of *al-Ijtihad al-Mu'asir bayna al-Indibat wa al-Infirat* is intentionally printed specially and split out from its main book.

<sup>40</sup>Yusuf Al-Qaradawi, *al-Ijtihad fi al-Shari'ah al-Islamiyyah*, III (Kuweit: Dar al-Qalam, 1999). 175.

<sup>41</sup>Al-Qaradawi, *al-Ijtihad fi al-Shari'ah*,. 177.

<sup>42</sup>Al-Qaradawi, *al-Ijtihad fi al-Shari'ah*,. 184.

<sup>43</sup>Al-Qaradawi, *al-Ijtihad fi al-Shari'ah*,. 191.

<sup>44</sup>Al-Qaradawi, *al-Ijtihad fi al-Shari'ah*,. 196.

<sup>45</sup>Al-Qaradawi, *al-Ijtihad fi al-Shari'ah*,. 198.

<sup>46</sup>Al-Qaradawi, *al-Ijtihad fi al-Shari'ah*,. 202.

<sup>47</sup>Al-Qaradawi, *al-Ijtihad fi al-Shari'ah*,. 234.

<sup>48</sup>Al-Qaradawi, *al-Ijtihad fi al-Shari'ah*,. 235.

<sup>49</sup>Al-Qaradawi, *al-Ijtihad fi al-Shari'ah*,. 236.

<sup>50</sup>Al-Qaradawi, *al-Ijtihad fi al-Shari'ah*,. 237.

<sup>51</sup>Al-Qaradawi, *al-Ijtihad fi al-Shari'ah*,. 238.

<sup>52</sup>Al-Qaradawi, *al-Ijtihad fi al-Shari'ah*,. 239.

<sup>53</sup>Al-Qaradawi, *al-Ijtihad fi al-Shari'ah*,. 239.

In the book *al-Marji'iyah al-'Ulya li al-Qur'an wa al-Sunnah*, he mentioned seven main theoretical frameworks that must be guided by *Mujtahid* when they understood the Qur'an and *hadith*. The theoretical framework was mentioned in the discussion entitled "*Ma'alim wa Dawabit fi Fahm al-Aslayn*",<sup>56</sup> namely (a) being honest (objective) in finding the truth,<sup>57</sup> (b) explaining *Nass* with other *Nass*,<sup>58</sup> (c) believing in the perfection of *shari'ah* and believing that *Nusus* does not contradict one another,<sup>59</sup> (d) understanding *Nass Mutashabih* with credible reference to *Nass Muhkam*,<sup>60</sup> (e) understanding *Nass Juz'i* concerning *Maqasid Kulliyah*,<sup>61</sup> (f) understanding in a guided way to *Nass Qath'i*,<sup>62</sup> and (g) relying on a correct and valid *Ijma'*.<sup>63</sup>

In the book "*al-Ijtihad fi al-Shari'ah al-Islamiyyah*" and "*al-Marji'iyah al-'Ulya li al-Qur'an wa al-Sunnah*", he mentioned some mistakes that must be avoided by *Mujtahid* when they understood the Qur'an and *hadith*. This discussion was discussed in an event entitled "*Mazaliq wa Mahadhir fi Fahm al-Aslayn*",<sup>64</sup> as follows (a) misleading the meaning of *Nass* from its essential meaning,<sup>65</sup> (b) interpreting the *Nass* incorrectly,<sup>66</sup> (c) prioritizing common sense over Islamic propositions,<sup>67</sup> and (d) prioritizing *Maslahah* by leaving *Nass*.<sup>68</sup>

In addition, 'Abd Allah Ibn Muhammad Ibn al-Siddiq al-Ghumari in his book "*Husn al-Tafahhum wa al-Dark li Mas'alat al-Tark*" has presented a concept in understanding the problems of *al-Tark*. *Al-Tark* is anything that is not carried out by Rasulullah PBUH; not carried out by the *salaf*; and no any *hadith* or *athar* that forbids the

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<sup>54</sup>Al-Qaradawi, *al-Ijtihad fi al-Shari'ah*,. 241.

<sup>55</sup>Al-Qaradawi, *al-Ijtihad fi al-Shari'ah*,. 243.

<sup>56</sup>Yusuf Al-Qaradawi, *al-Marji'iyah al-'Ulya fi al-Islam li al-Qur'an wa al-Sunnah: Dawabit wa Mahadhir fi al-Fahm wa al-Tafsir*, II (Cairo: Maktabah Wahbah, 2001). 155.

<sup>57</sup>Al-Qaradawi, *al-Marji'iyah al-'Ulya fi al-Islam*,. 157.

<sup>58</sup>Al-Qaradawi, *al-Marji'iyah al-'Ulya fi al-Islam*,. 175.

<sup>59</sup>Al-Qaradawi, *al-Marji'iyah al-'Ulya fi al-Islam*,. 183.

<sup>60</sup>Al-Qaradawi, *al-Marji'iyah al-'Ulya fi al-Islam*,. 207.

<sup>61</sup>Al-Qaradawi, *al-Marji'iyah al-'Ulya fi al-Islam*,. 229.

<sup>62</sup>Al-Qaradawi, *al-Marji'iyah al-'Ulya fi al-Islam*,. 257.

<sup>63</sup>Al-Qaradawi, *al-Marji'iyah al-'Ulya fi al-Islam*,. 264.

<sup>64</sup>Al-Qaradawi, *al-Marji'iyah al-'Ulya fi al-Islam*,. 275.

<sup>65</sup>Al-Qaradawi, *al-Marji'iyah al-'Ulya fi al-Islam*,. 277.

<sup>66</sup>Al-Qaradawi, *al-Marji'iyah al-'Ulya fi al-Islam*,. 296.

<sup>67</sup> Al-Qaradawi, *al-Marji'iyah al-'Ulya fi al-Islam*,. 331.

<sup>68</sup> Al-Qaradawi, *al-Marji'iyah al-'Ulya fi al-Islam*,. 355.

practice (a prohibition for *haram* and *makruh*).<sup>69</sup> In this context, al-Ghumari has successfully revealed various types of *al-Tark* that can give a specific meaning from each of this *al-Tark*.<sup>70</sup> In a response to this, al-Ghumari has made a statement that *al-Tark* cannot present the meaning of *haram*.<sup>71</sup>

In the book "*al-Radd al-Muhkam*", al-Ghumari has also asserted that whatever the practice categorized into the part of *al-Tark*, the practice (*al-Matruk*) cannot be understood as illegal to practice until a special proposition is found.<sup>72</sup>

Based on the theoretical frameworks presented by previously three experts, it can be seen that the diversity and similarity of the conceptual framework have been revealed. All these frameworks can be used as the main proposals to understand the *hadith* that will be the source of jurisprudence, or in practicing certain *hadiths* during *ijtihad* to reveal the true *ijtihad* in the matter of law. The previous theoretical frameworks are indeed the steps that have been taken by the scholars and have become an ideal framework in applying the concept of *Wasl al-Fiqh bi al-Hadith* from early Islam to the present.

### **Application of Wasl al-Fiqh bi al-Hadith in Dayah**

The Dayah Institution is an educational institution that always makes the Qur'an the main basis in the discussion of the jurisprudence law by referring to *Tafsir al-Jalalayn* as its main book (reference). It also refers to and relies on the *hadith*, and *Fath al-Bari Sharh Sahih al-Bukhari*. Both classical books are not implemented in the curriculum, but these books are discussed in the discussion of *Lajnah Bahsul Masail (LBM)*.<sup>73</sup>

The concept of *wasl al-Fiqh bi al-Hadith* for Dayah people is a process of merging a preposition (*manqul*) and substance (*ma'qul*). The focus of the concern is merely on *manqul*, so that he is said as

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<sup>69</sup> Abd Allah Ibn Muhammad Ibn al-Siddiq Al-Ghumari, *Husn al-Tafahhum wa al-Dark li Mas'alat al-Tark*, III (Cairo: Maktabat al-Qahirah, 2013). 9.

<sup>70</sup> Al-Ghumari, *Husn al-Tafahhum wa al-Dark*,. 10.

<sup>71</sup> Al-Ghumari, *Husn al-Tafahhum wa al-Dark*,. 11.

<sup>72</sup> Abd Allah Ibn Muhammad Ibn al-Siddiq Al-Ghumari,, *al-Radd al-Muhkam al-Matin 'ala Kitab al-Qawl al-Mubin*, III (Cairo: Maktabat al-Qahirah, 1986). 49.

<sup>73</sup>FZ (senior teacher on Lajnah Bahsul Masail, Dayah Mudi Mesra Samalanga), in an interview on 21 January 2018.

Wahhabi. Meanwhile, when he focuses himself on *ma'qul*, he will be justified as liberal. It can be said that the successful application of the concept of *Wasl al-Fiqh bi al-Hadith* in Dayah is a reflection of the achievement of the target in integrating textual and contextual understanding.<sup>74</sup> The previous argument is still in the form of general description and theoretical level, while to see the fact of the understanding will be delivered in the upcoming discussion.

### **Dayah Institute's View on *Hadith* and *Fiqh***

The study of *hadith* in Dayah is merely a study of *hadith* used and practiced by the pioneer scholars of the sect. They do not directly refer to the *hadith* and lectures of the *hadith* scholars and study with a full comparison of the understandings on the *hadith* scholars about a problem. When the school of Imam al-Shafi'i has become a guide in the practice of practical jurisprudence so that the *hadith* being guided are more than to what has become a principle among scholars of al-Shafi'iyyah. In the view of the Dayah people, the study of jurisprudence does not need to directly refer to the book of *hadith* or to the scholars of *hadith* comprehensively, but they just need to refer to the lectures of the scholars of al-Shafi'iyyah like Imam al-Nawawi, Ibn Hajar al-'Asqalani, and Zakariyya al-Ansari.<sup>75</sup>

When it becomes a guide in understanding such a *hadith*, it is greatly understandable that anything used as a guide and belief in the study of jurisprudence is based on the sect's pioneer. Therefore, not a few *hadith* are not practiced and may not be identified about its existence.

### **The Guidelines of the Sect in Dayah**

Generally speaking, *hadith* is used as a guide through the scholars of al-Shafi'iyyah. The book *Hadith al-Ahkam* (e.g., *Subul al-Salam*) composed by Imam al-San'ani does not become a reference to be studied in Dayah, even the author of the book *Bulugh al-Maram* is Ibn Hajar al-'Asqalani. Meanwhile, his book *Fath al-Bari* become the

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<sup>74</sup>IM (senior teacher on Lajnah Bahsul Masail, Dayah Mudi Mesra Samalanga), in an interview on, 21 January 2018.

<sup>75</sup>FZ (interview).

main reference in the legal discussion.<sup>76</sup> In our perspective, these phenomena are caused by the status of Imam al-San'ani as the author of the book popularly mentioned as a scholar of the al-Zaydi sect.

It is different from the book of *Nayl al-Awtar Sharh Muntaqa al-Akbar min Ahadith Sayyid al-Akhyar* by Imam al-Shawkani. Based on our experience in contact with some of Dayah's students, this book is highly avoided by Dayah students. Their hatred of Ibn Taymiyyah was ingrained in their minds until most of them could not distinguish between *Majd al-Din 'Abd al-Salam* (Ibn Taymiyyah al-Jadd) as the author of the book *Muntaqa al-Akhbar* which became the author of the book of *Nayl al-Awtar*, and Ahmad Ibn 'Abd al-Halim (Ibn Taymiyyah al-Hafid). Therefore, the reason for them to avoid reading it is very complete; moreover, it is used as a handbook and *hadith* literature. He is the author of a book and is not part of al-Shafi'iyyah. Imam Majd al-Din 'Abd al-Salam Ibn Taymiyyah was a scholar who relied on al-Hanbali school of thought, while Imam al-Shawkani is part of al-Zaydiyyah school of thought. In higher education, this classic book has become one of the compulsory books in the study of *Hadith al-Ahkam* at the Faculty of Shari'a.<sup>77</sup> Yet, there is another thing that sometimes rules for teachers in Dayah. Some teachers recite a book *Nayl al-Awtar* as their reading, but the book is not recommended for students, because they have not been eligible to read such a book. Besides, they are not accustomed to delivering a discussion of *fiqh muqaran*.<sup>78</sup>

There is still many literature on *hadith* and *fiqh* as the creation and work of al-Shafi'iyyah scholars and those do not become a reference for people in Dayah. When a particular book in the sect of al-Shafi'i is not mentioned in the curriculum of Dayah, so that any difference cannot be acceptable, even the difference is a tight opinion and being implemented by some people in the sect of al-Shafi'i. In this context, Aslam Nur revealed some discrepancies when comparing religious practices between those who claim to be followers of al-Shafi'i against the opinion of Imam al-Shafi'i himself. In addition,

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<sup>76</sup>FZ (interview).

<sup>77</sup>Fakultas Syari'ah, *Topik Kurikulum Nasional IAIN* (Jakarta: Ditjen pembinaan Kelembagaan Agama Islam Departemen Agama RI, 1995).

<sup>78</sup>MH (teacher and alumnus of Dayah Ummul Aiman, Samalanga), in an interview on 6 July 2018.

there are also contradictions between fellow scholars of al-Shafi'iyyah concerning some religious problem understanding.<sup>79</sup> This statement has finally concluded that the understanding and practice of Dayah people have their colors that are sometimes different from others. The differences were not only among the followers of the al-Shafi'i sect in Aceh but also there was an understanding in the school of al-Shafi'i that sensed to be true and powerful. Meanwhile, If there are other practices different from the Dayah tradition, it will directly be considered as a new incoming matter that should be concerned and avoided to grow.

### **Teacher's Analysis in Delivering Science**

In general, teachers play an important role in guiding the thinking style of students in Dayah, while the books that are used as guidance are all the books of the al-Shafi'iyyah scholars. They believe that anything that has been previously practiced by their teachers is a matter that cannot be transformed and changed.

People in Dayah have a belief that anything that has existed in jurisprudence is the result of a scholarly lecture from *hadith*. Practicing what has been mentioned in the book of jurisprudence is seen as more true than following the explanation revealed in the *hadith* lecture. Therefore, they do not need to look at *hadith* to reinforce a matter of jurisprudence, and the material of the book that is used as a guide is to represent the *hadith*. They feel unworthy to seek law from *hadith*. Therefore, they rarely refer to *hadith*. They just rely on the substance of the book.<sup>80</sup>

In this context, we view that the Dayah people have their terminology in understanding the practices of al-Shafi'i school because they do not hesitate to oppose any practice that contradicts with the tradition that occurs among them, even it is the practice of some of al-Shafi'i scholars and can be scientifically accountable. Such an understanding and practice is conveyed to the general public so that most communities who live around the Traditional Dayah are found very difficult to improve their way of thinking and style.

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<sup>79</sup>Aslam Nur, "Mazhab al-Shafi'i atau al-Shafi'iyyah?," *Serambi Indonesia*, 27 September 2014.

<sup>80</sup>Ajidar Matsyah (Alumnus of Dayah Tanoh Mirah Aceh Utara, a lecturer at Islamic State of Ar-Raniry), in an interview on 5 April 2018.

Because a deep sense of bigotry has been so successfully instilled in their minds. Even if someone tries to repair or practice a different tradition that is a practice in the sect of al-Shafi'i as well, then the community does not hesitate to accuse it as a Wahhabi practice.<sup>81</sup>

### **The Polemic in the Implementation of Friday Prayer**

One of the current issues that strike people in Aceh up to some consequential different perceptions of each individual is on the implementation of the Friday prayers. On Friday, 19<sup>th</sup> June 2015, the congregation visited Baiturrahman Great Mosque to perform Friday prayers. However, the prayers constrained few seconds when there is a group of intellectuals of the Association of Dayah Aceh Scholars (HUDA), Nanggroe Aceh Ulama Assembly (MUNA), and the Islamic Defenders Front (FPI) took over the management of the implementation of the Friday prayers at the mosque. The congregation was amazed by the actions of the scholars and could not do anything when the implementation of the Friday sermon will begin.<sup>82</sup>

These ulama represent a group of traditional sects who are accustomed to using the stick and the call (*adhan*) twice in the Friday prayer congregational ritual. They forced the preacher to use a cane and commanded the second call. They brought a *Toa* (loudspeakers) to call out the second call to prayer which the Dayah group considered it important in the Friday prayer ritual.<sup>83</sup>

One of the scholars who involved in this matter was Teungku Bulqaini<sup>84</sup> from HUDA (Ulama Association of Dayah) stated that they wanted to restore the implementation of Baiturrahman Mosque in Aceh to be a success in the future as the Government Iskandar Muda's period which relied on *Ahl al-Sunnah wa al-Jama'ah*. He also stated that any worship at the mosque must be under the sect of al-Shafi'i.<sup>85</sup>

Furthermore, an internal conflict unusual occurrence in the mosque has attracted the attention of many people in Aceh. The

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<sup>81</sup>Ajidar Matsyah (interview).

<sup>82</sup>Al-Chaidar, "Menyoal Benturan Antar Mazhab di Aceh".

<sup>83</sup>Al-Chaidar, "Menyoal Benturan Antar Mazhab di Aceh".

<sup>84</sup>Teungku Bulkaini is an alumnus of Dayah Mudi Mesra Samalanga, currently as a leader in one of Dayahs in Banda Aceh.

<sup>85</sup>Al-Chaidar, "Menyoal Benturan Antar Mazhab di Aceh".

conflict happened among adherents of the same religion (conflict among sects). Therefore, when these events had taken a place, the Council of Ulama Association (MPU) in Aceh as the official institution was established following certain laws and it had its power-related issues in religious discussion after the heartbreaking events.

Finally, the drafting team in the dialogue conducted on Tuesday, October 27, 2015, has spawned several decisions related to the implementation of the rules of the Friday prayers at Baiturrahman Mosque particularly and generally for other mosques in Aceh. The dialogue is not only followed by scholars of Dayah, but also from all religions in Aceh and university experts. When some views and propositions have been given by all parties, they are submissive and no one can dispute the decision related to the previous matter (Friday prayers). Some decisions can be formulated as follows: Two-times call (*adhan*) is a *sunnah*, the preacher holds a stick as *sunnah*, *muwalat al-Khutbah* is a compulsory requirement of preaching, *maw'izah* with non-Arabic language is a matter of diversity (difference), and in keeping a tolerance among Muslims, it is expected that the preacher can give a long speech (*maw'izah*) to repeat two pillars of the sermon.

The results of the decision are intended to prevent a split among Muslims in Aceh so that an agreement is necessary to be acceptable to all parties.<sup>86</sup> The mission that arose in several practices in the implementation of the Friday call (*adhan*) for multiple repeats, holding a stick while preaching, and the recitation of the two pillars of the sermon. All of these can be discussed in the following discussion:

### **Two-time Call for Friday Prayer**

If we refer to the narration of the *adhan* in the implementation of Friday prayers, it can be seen that from the period of Rasulullah PBUH to the period of Caliph Abu Bakar and 'Umar Ibn al-Khattab, the Friday prayer call (*adhan*) was only performed once. In the period of Caliph 'Uthman Ibn 'Affan, when the crowd around the mosque was increasing, the business transaction activity in the market was also increasing, so that this evidence had made the Caliph 'Uthman

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<sup>86</sup>Muzakarah MPU Aceh, "Ini Hasil Muzakarah Ulamak di MPU Aceh," *MPU Aceh*: <https://mpu.acehprov.go.id/index.php/news/read/2015/10/27/30/ini-hasil-muzakarah-ulamak-di-mpu-aceh.html>. Accessed on 25 Ogos 2018.

Ibn 'Affan command *mu'adhhdhin* to perform *adhan* for twice. The first call was meant to inform that the time of Friday prayers was coming soon. This first call could make people prepare themselves to come to the mosque to perform Friday prayers. Meanwhile, the second call was performed in the implementation of Friday prayers. It was also a call that sounded after the preacher ascended the pulpit to preach. These phenomena were narrated in the *hadith* by Imam al-Bukhari as follows:

عن الزهري قال: سمعت السائب بن يزيد يقول ان الأذان يوم الجمعة كان أوله حين يجلس الإمام يوم الجمعة على المنبر في عهد النبي صلى الله عليه وسلم وأبي بكر وعمر رضي الله عنهما فلما كان في خلافة عثمان وكثروا أمر عثمان يوم الجمعة بالأذان الثالث فأذن به على الزوراء فثبت الأمر على ذلك

"I listen to al-Sa'ib Ibn Yazid saying that: the call (*adhan*) on Friday in the period of Rasulullah PBUH, Abu Bakar and 'Umar Ibn al-Khattab was performed when the prayer leader has come up the pulpit. Then, when people are more crowded, 'Uthman Ibn 'Affan commanded the caller (*mu'adhhdhin*) to perform the third call (*iqamah*). Since that time, the first call (*adhan*) was performed on the top of a building in the region of Zawra'. This tradition has developed and progressed up to the upcoming periods".<sup>87</sup>

The tradition of increasing the number of calls (*adzhan*) has become a *Sunnah 'Uthmaniyyah* for Muslims. Up to the present time, this tradition occurs based on the understanding of Caliph 'Uthman Ibn 'Affan when considering the demands and benefits of the *ummah* at that time. According to the Caliph 'Uthman Ibn 'Affan, the addition of such religious deed is impossible to happen. He has a belief that the quantity of *adhan* performed by Rasulullah PBUH does not mean to

<sup>87</sup>Hadith by al-Bukhari, *al-Jami' al-Sahih*, Kitab al-Jumu'ah, Bab al-Ta'dhin 'inda al-Khutbah, no. Hadith 916; Abu Dawud, *al-Sunan*, Kitab al-Salah, Bab al-Nida' Yawm al-Jumu'ah. No. Hadith 1087.

not be added when there is a demand to add as it has occurred in the market of Medina.<sup>88</sup>

Ibn Hajar al-'Asqalani in the deal with this *hadith* said: From the outward appearance of the *hadith*, it can be seen that at that time, this tradition was followed by Muslims throughout the state based on their obedience to the Caliph. Ibn al-Hajar considered every practice that was not done in the time of Rasulullah as heresy, but among the acts of heresy, there were good things that were not a prohibition in religion, while there were also those who were opposites. Based on the history, the Caliph 'Uthman Ibn 'Affan had done it by means to inform people that the Friday prayer's time would set. In this case, he exemplified a notification of the implementation of Friday prayers with the call (*adhan*) and regulated for other prayers too. This commitment still maintained its special feature; that was by performing the call when the preacher had been on the pulpit. In that case, it is an attempt to understand the meaning of the original law; not to repeal it.<sup>89</sup>

On the other hand, Imam al-Shafi'i in his book "*al-Umm*" mentioned that in the period of Rasulullah PBUH, Abu Bakar, and 'Umar Ibn al-Khattab performed the call for once in the Friday prayers. However, when the population of Medina had increased in the period of the Caliph 'Uthman Ibn 'Affan, he added another call and eventually continued to be performed twice. In this context, Imam al-Shafi'i also quotes the opinion of 'Ata' which states that the first caliph who performed **the call for twice** was not 'Uthman, but it happened in Mu'awiyah when he became a caliph. Imam al-Shafi'i strengthens that whoever has done it before, I still prefer it as it was in the period of Rasulullah PBUH. However, whoever performs the call twice will not cancel the prayer, because the call is not part of the prayer; but it is a call to perform prayer. Even people who perform

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<sup>88</sup>'Umar 'Abd Allah Kamil, *Al-Insaf fima Uthira Hawlahu al-Khilaf*, II (Cairo: Al-Wabil al-Sayyib li al-Tawzi' wa al-Nashar, 2011). 46-47.

<sup>89</sup>Kamil, *al-Insaf*, 46-47. Lihat Zakariyya Al-Nawawi, *Minhaj al-Talibin wa 'Umdat al-Muftin*, I (Jedah: Dar al-Minhaj, 2005). 135. Lihat juga Ahmad Ibn 'Ali Ibn Hajar Al-'Asqalani, *Fath al-Bari bi Sharh Sahih al-Bukhari*, (Jedah: Al-Maktabah al-Salafiyyah, n.d.). 2:394.

prayers by not performing the call are also considered legitimate and do not need to repeat their prayers.<sup>90</sup>

It is slightly different from the opinion of Imam al-Shafi'i, that for *al-Shafi'iyyah* like Zayn al-Din Ibn 'Abd al-'Aziz al-Malibari (d. 987 H) in his book *Fath al-Mu'in* mentions that performing the call for twice when performing Friday prayers is *sunnah*. The first call is done before the preacher ascends to the pulpit, and the second is done after the preacher ascends to the pulpit. This tradition was practiced during the period of Caliph 'Uthman (when the number of Muslims had increased). For him, it was considered a matter of *sunnah* when the situation demanded such things as the presence of pilgrims to the mosque that was very dependent on the first call (*adhan*). As when the matter was considered unnecessary, to follow the *sunnah* by Rasulullah PBUH is better (performing the call for once).<sup>91</sup>

### **Holding a Stick during the Sermon**

Holding a stick during the preacher is preaching is one of the change missions demanded by a group of scholars and Dayah students who perform a protest on Friday, because it is for them to enliven the *sunnah* of the Prophet PBUH following the practice of the school of al-Shafi'i. See the clarity of the scholars' opinions can be seen in the upcoming discussion.

According to the opinion of Imam al-Shafi'i is an obligatory preacher stand while delivering a sermon, and it is best to hold a stick, bow, or another similar object.<sup>92</sup> He also mentioned that *'anzah* (small stick) is one of the things that can be held when the preacher delivered a sermon. As proof that it was made as to the basis by Imam al-Shafi'i as relevant to a *hadith* narrated by 'Ata' that Rasulullah PBUH while standing to deliver his sermon holding a stick as a place to concentrate. According to the opinion of Imam al-Shafi'i, when a person who preaches does not want to hold a stick or a bow and

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<sup>90</sup>Muhammad Ibn Idris Al-Shafi'i, *Al-Umm* (Mansurah: Dar al-Wafa', 2015). 1:224. Mizaj Iskandar, "Suara Rahman dari- Baiturrahman," in *Hukum Islam Kontemporer: Praktek Masyarakat Malaysia dan Indonesia*, ed. oleh Ridwan Nurdin dan Azmil Umur (Banda Aceh: Bandar Publishing, 2015), 16-17.

<sup>91</sup>Zayn al-Din Ibn 'Abd al-'Aziz Al-Malibari, *Fath al-Mu'in Sharh Qurrat al-'Ayn* (Beirut: Dar al-Fikr, n.d.). 1:232.

<sup>92</sup> Al-Shafi'i, *al-Umm*, 1: 272.

arrow, it is best for the preacher not to move his body and hands; either by placing the right hand on top of the left hand or letting both hands lie on their respective positions. The provision of holding a stick or standing quietly is a matter of *sunnah* and has nothing to do with the validity or invalidity of Friday prayers.<sup>93</sup>

Furthermore, Imam al-Nawawi developed the sequence of sticks and bow varied into swords, sticks, and alike.<sup>94</sup> Not only that, Imam al-Nawawi developed his understanding by holding the sword with his left hand, while the right hand held the edge of the pulpit. If the pulpit did not have a handle that could be held, the preacher could stand calmly and placed his right hand on the left hand or stood alone by leaving both hands in their respective positions so that the preacher could be calm and not negligent in delivering the sermon.<sup>95</sup>

From the previous narrations, there was no evidence that Rasulullah PBUH used a stick and alike when preaching since the beginning of the performance of Friday prayers. When we viewed the narrations about the history of making the pulpit at the beginning of the implementation of Friday prayers, Rasulullah PBUH only leaned on palm trees. Evidence narrated by Ummu Qays Bint Mihsan as narrated by Abu Dawud<sup>96</sup> was greatly helpful in providing additional information about the stick that Rasulullah PBUH used as his focus when he preached. This evidence was when Rasulullah PBUH got older and His body got fatter, so he always used a stick for him to use as a place to concentrate while performing prayers.<sup>97</sup>

From this description, the stick used by the Prophet PBUH in preaching was the stick that served as the focus when standing; not simply holding a stick and **sticked** it back to the preacher's shoulder as he always applied in a number of mosques in Aceh.<sup>98</sup>

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<sup>93</sup>Al-Shafi'i, *al-Umm*, 2: 409.

<sup>94</sup>Zakariyya Al-Nawawi, *Rawdat al-Talibin* (Beirut: al-Maktabah al-Islamiyyah, n.d.). 2:32.

<sup>95</sup>Al-Nawawi, *Rawdah*, 2:32. Lihat juga Zakariyya Al-Nawawi, *al-Majmu' Sharh al-Muhadhdhab* (Jedah: Maktabat al-Irsyad, n.d.). 4:399.

<sup>96</sup>Abu Dawud, *al-Sunan*, Kitab al-Salah, Bab al-Rajul ya'tamidu fi al-Salah 'ala 'Asa, no. Hadith 948.

<sup>97</sup>Mizaj, "Suara Rahman," 14.

<sup>98</sup>Mizaj, "Suara Rahman," 15.

Based on previous narration and opinion, in the various schools of jurisprudence, the matter of holding a stick in preaching the law of *sunnah* and does not correlate with the validity or invalidity of the sermon. When the preacher did not feel comfortable delivering the sermon by focusing on the stick, Imam al-Shafi'i suggested that the preacher could calm the movements of his body and hands either by placing his right hand on his left hand or by letting both hands lie flat on their respective positions. We can identify the reason why some mosques in the Middle East did not use sticks when performing Friday sermons, and this commitment is also applied in the mosque of Imam al-Shafi'i in Egypt.<sup>99</sup>

### **The Reading Repetition on the Pillar of Friday Sermon**

Repetition of sermons is always done by most people in Dayah, because some scholars in al-Shafi'iyyah argue that Friday sermon must be delivered in Arabic. The use of Arabic is because *muwalah* is one of the legal requirements of the sermon, and conveying the will of *taqwa* in any language other than Arabic evidently can damage the *muwalah* in the sermon. However, some Dayah scholars do not like to mention it as a repetition of sermons. They prefer to mention it as a starting sentence for the pillars of the sermon.<sup>100</sup>

In the school of al-Shafi'i, the book "*al-Umm*" by Imam al-Shafi'i mentioned that the pillars and conditions of the Friday sermon are not explicitly stated and written in sequence. It was mentioned that the obligatory sermon was delivered in Arabic.<sup>101</sup> In this case, Imam al-Muzani; a disciple of Imam al-Shafi'i in the book "*Mukhtasar*" has started a discussion about the pillars of the sermon, namely (a) the first sermon consisted of: *tahmid*, *salawat*, *wasiyyah* (suggestion) to be pious and obedient to Allah the Almighty, and read the verses of the Qur'an; and (b) the pillars of the second sermon consisted of: *hamdalah*, *salawat*, *wasiyyah* to be pious and obedient to Allah the Almighty, and to pray. On the other hand, the conditions of the sermon have not

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<sup>99</sup>Mizaj, "Suara Rahman," 15.

<sup>100</sup>SLM (one of alumnus of Dayah in Samalanga, a leader on one of Dayahs in the region of Pidie), in an interview on 10 Ogos 2018.

<sup>101</sup>Mizaj, "Suara Rahman," 19.

been clarified in detail in the book "*Mukhtasar*" as well as the obligation to deliver a sermon in Arabic.<sup>102</sup>

The books written by the scholars of al-Shafi'iyyah, such as Imam al-Ghazali (d. 505 H), have started to think that the pillars of the sermon consist of five pillars. Three of them must be read in each sermon, namely: *hamdalah*, *salawat*, and the will of piety. Two of these conditions must be read in a good and proper sentence. The fourth is reciting prayers to the Muslims by at least articulating the word *Rahimakum Allah*. The fifth is to recite the verses of the Qur'an with at least one verse and can be read in one of the two sermons.<sup>103</sup> Yet, Imam al-Ghazali mentions that the author of the book *al-Talkhis* states that there are only three pillars of the sermon. Prayer and reading the verses of the Qur'an are not included in the pillars.<sup>104</sup> Meanwhile, the matter regarding the conditions of the sermon of Imam al-Ghazali in the book "*al-Wasit*" states that the conditions of the sermon consist of seven conditions, namely (a) the sermon begins in the noon, (b) delivered before performing Friday prayers, (c) delivered in a standing position, (d) sitting between two sermons, (e) purified from *hadath* and excrement (*najas*) and keeping *muwalah* (sequential), (f) free from any excrement (holy), and (g) preaching in a loud voice, so that the audience (congregation members) can hear.<sup>105</sup> In this book, al-Ghazali does not mention the delivery of the sermon in Arabic as a condition that should be fulfilled.<sup>106</sup>

In the period of Imam al-Nawawi (d. 676 H), he made the conditions of the sermon with some elements, namely by (a) using Arabic to deliver, (b) delivering the first-three pillars in sequence (*muwalah*), (c) performing after sunset, (d) preaching in a standing position (in an emergency), (e) sitting between two sermons, and (f) delivering in a loud voice.<sup>107</sup> In this book, Imam al-Nawawi suggested using Arabic, but he did not condition "purified from *hadath* and

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<sup>102</sup>Isma'il Ibn Yahya Ibn Isma'il Al-Muzani, *Mukhtasar al-Muzani fi Furu' al-Shafi'iyyah* (Beirut: Dar al-Ma'rifah, n.d.). 1:27.

<sup>103</sup>Abu Hamid Al-Ghazali, *al-Wajiz fi Fiqh al-Imam al-Shafi'i*, I (Beirut: Dar al-Arqam Ibn Abi al-Arqam, 1997). 1:191.

<sup>104</sup>Abu Hamid Al-Ghazali, *al-Wasit fi al-Madhhab*, I (Cairo: Dar al-Salam, 1997). 2:279.

<sup>105</sup>Al-Ghazali, *al-Wasit*, 2:280.

<sup>106</sup>Mizaj, "Suara Rahman," 20-21.

<sup>107</sup>Al-Nawawi, *Minhaj*, 134.

excrement (*najas*)” as mentioned by Imam al-Ghazali. In some books of al-Shafi'iyyah scholars, the condition of this sermon seems to be further supplemented with some other conditions. According to Wahbah Zuhayli, the condition of the sermon among al-Shafi'iyyah scholars has fifteen conditions, and using Arabic for delivering a speech is one of the conditions in it. The knowledge of a preacher is also classified as one of the fifteen conditions.<sup>108</sup>

Imam al-Nawawi states there are two opinions about whether the use of Arabic in the sermon is viewed as a condition or not. *First*, the use of Arabic in the sermon is required, and it is under the valid opinion of most scholars. The reason is that it is beyond worship so that it must be done in Arabic, like reading *tashahhud* and *Takbirat al-Ihram* in prayer. This opinion is also following the saying of Rasulullah PBUH: "*Pray as you see me praying*", and Rasulullah PBUH always preaches in Arabic.<sup>109</sup> *Second*, the delivery of the sermon by using Arabic is merely a *sunnah*, because the purpose of the sermon is to convey advice, and it cannot be articulated in any language, except in a language understood by the congregation.<sup>110</sup>

Meanwhile, the books of jurisprudence (*fiqh*) written in the Malay language like *Sirat al-Mustaqim* composed by Nur al-Din al-Raniri states that the Friday sermon is compulsory to use the Arabic language. This commitment (idea) is also relevant to a book *Sabil al-Muhtadin* composed by Muhammad Arshad al-Banjari and a book *Matla' al-Badrayn wa Majma' al-Bahrayn* composed by Muhammad Ibn Isma'il Dawud al-Fatani.<sup>111</sup> It is different with the previous opinion that there is a classical book written in the form of Malay language composed by the Aceh's scholar in the nineteenth century 'Abbas Ibn Muhammad Kuta Karang (well known as *Tadhkirat al-Rakidin 'an al-Jihad li Ahl Acih*), states that the Friday sermon is compulsory to use an understandable language by the audiences that present in the prayer. In the classical book, he says that:

*"Amma ba'd*, that reading the Friday sermon in an '*ajam* state like Aceh is using the Aceh language; not other languages. If

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<sup>108</sup>Mizaj, "Suara Rahman," 21.

<sup>109</sup>Al-Nawawi, *al-Majmu'*, 4:391.

<sup>110</sup>Mizaj, "Suara Rahman," 22.

<sup>111</sup>Mizaj, "Suara Rahman," 23.

Aceh people read for the Friday sermon by using the Arabic language, the sermon is not eligible based on the principle of *qawl mu'tamad*, because the sermon means *maw'izah* (the teaching of advisory), so that the sermon will not be meaningful for those who do not know the meaning of sermon. *Hashiyah Fath al-Wahhab* says that the Friday sermon is no longer eligible and valid when it uses a language that does not belong to the area. On the other hand, al-Qadi Husayn argues that it is still eligible and valid to use the Arabic language in the sermon of '*ajam* people who do not know the meaning of the sermon. In the 1305 migration, people hold the first *qawl*, because reading the Friday sermon toward people in Aceh by using the Aceh language can impress *maw'izah*. Besides, in that year, stupidity has dominated in Aceh as a cause of infidel war."<sup>112</sup>

The argumentation found in the manuscript of 'Abbas Ibn Muhammad Kuta Karang can be used as evidence that the renowned former Aceh's clerics must also be equal in understanding Islamic jurisprudence. However, for some people in Dayah, the dispute over jurisprudence is no longer just a matter of differences of understanding, but it is more to the level of confidence. Therefore, it is not strange when a person who recites *qunut* does not want to follow the person who does not recite *qunut*, because factually, it will be hostile to him even if it is only a matter of *sunnah*.<sup>113</sup>

### Conclusion

The theoretical framework of *Wasl al-Fiqh bi al-Hadith* compiled by some scholars as a guide in understanding *hadith* aims to avoid differences among a number of studies on jurisprudence and *hadith*. However, *Dayah Traditional* of Aceh is found to be unsuccessful in understanding this concept correctly because, in its application, they just make *al-Shafi'i* school opinion as to the main source. This is clear, among others, at the issue of Friday prayers implementation that the Dayah preached to the public. If the Dayah can follow the concept correctly, its dignity will be better kept while their services and

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<sup>112</sup>Mizaj, "Suara Rahman," 23-24.

<sup>113</sup>Ajidar Matsyah (interview).

devotion will be well remembered. In addition, they will not be judged breaking the habit, but developing traditions. There are still many things to discuss about theme, such as how Dayah scholars integrate the study of *hadith* and *aqidah*.

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