



The Typology of Hadith as the *Bayān* of the Qur'an and Its Implications for the Reform of Islamic Inheritance Law

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Abstract: This paper is a study of the typology of hadith that functions as the *bayān* (elucidation) of Qur'anic verses and its implications for the reform of Islamic inheritance law. The use of hadith as the *bayān* of the Qur'an is a common practice of *ulema* (Muslim scholars) in producing *fiqh* (Islamic jurisprudence) law. However, certain uses of hadith as the *bayān* of the Qur'an have also been criticized by scholars. This study is a literature review on hadith viewed as the *bayān* of the Qur'an, with the primary focus on Islamic inheritance law. Data were collected by means of examining certain hadith used as the *bayān* of the Qur'an by *mufasssir* (exegete) and *fuqaha* (Islamic jurists) in carrying out legal *istinbath* (decision making), especially in cases of inheritance. This study concerns with the studies of the typologies of hadith functioning as the *bayān* of the Qur'an and their problems that have not been conducted optimally. These studies indicated that certain hadiths used as the *bayān* of the Qur'an still posed an issue from a methodological point of view. This present study seeks to address three important issues of concern. First, there are three typologies of hadith as the *bayān* of the Qur'an, namely 1) hadith stated directly by the Prophet as an explanation or a practice of certain verses, 2) hadith stated by the companions of the Prophet as the *bayān* of a verse, and 3) hadith with no instruction from the Prophet nor indication from the companions as explanations for certain verses, but used as the *bayān* of certain verses by Islamic jurists. Second, each typology has methodological problems in terms of the context, incompleteness, and hadith occurrence, and the methodological problem has worsened in the last typology. Third, the use of hadith in the third typology as the *bayān* of the Qur'an in legal *istinbath* has provided an opportunity for Islamic jurists to renew the Islamic law in the field of inheritance by taking into account the methodological aspect.

Keywords: Hadith typology, *bayān* of the Qur'an, inheritance law, Islamic law

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Abstrak: Artikel ini adalah studi atas tipologi hadis yang menjadi penjelas (*bayān*) ayat Qur'an serta implikasinya terhadap upaya pembaharuan hukum kewarisan Islam. Penggunaan hadis sebagai *bayān* Qur'an telah menjadi praktik ulama dalam melahirkan hukum fikih. Tetapi beberapa penggunaan hadis tertentu sebagai *bayān* Qur'an mendapat kritikan di kalangan para sarjana. Studi ini merupakan studi kepustakaan atas hadis-hadis yang dipandang sebagai *bayān* Qur'an yang difokuskan pada hukum kewarisan Islam. Teknik pengumpulan data dilakukan yaitu dengan menelaah hadis-hadis yang digunakan sebagai *bayān* Al-Qur'an oleh mufasir maupun fuqaha dalam melakukan *istinbath* hukum terutama dalam kasus kewarisan. Hal ini salah satunya terkait dengan studi tentang tipologi hadis yang menjadi *bayān* Qur'an dan problemnya yang belum dilakukan secara serius. Kajian tersebut menunjukkan bahwa hadis-hadis yang digunakan sebagai *bayān* Qur'an tertentu masih menyisakan persoalan dari sudut pandang metodologis. Karena itu terdapat tiga hal penting yaitu, pertama ada tiga tipologi hadis sebagai *bayān* Qur'an yaitu: 1) hadis-hadis yang dinyatakan langsung oleh Rasul sebagai penjelasan atau praktik ayat tertentu; 2) hadis-hadis yang dinyatakan oleh sahabat sebagai *bayān* suatu ayat; 3) hadis-hadis yang tidak ada petunjuk Nabi atau indikasi dari sahabat sebagai penjelasan atas ayat tertentu, tetapi kemudian dijadikan sebagai *bayān* ayat tertentu oleh ahli hukum Islam. Kedua, masing-masing tipologi memiliki problem metodologis seperti problem kontekstual, problem ketidakutuhan, dan problem waktu kemunculan hadis. Problem metodologis ini semakin menguat pada tipologi terakhir. Ketiga, penggunaan hadis dalam tipologi ketiga sebagai *bayān* Qur'an dalam *istinbath* hukum memberi peluang kepada ahli hukum sebagai upaya pembaharuan hukum Islam dalam bidang kewarisan dengan mempertimbangkan aspek metodologis tersebut.

Kata Kunci: Tipologi hadis, *bayān* Qur'an, hukum kewarisan, hukum Islam

Introduction

The study of hadith in Islamic law is very urgent because it occupies the second source of law after the Qur'an. Therefore, the sciences of hadith are one of the important pillars of Islamic science. For example, the study of the understanding of hadith, typology of hadith and the relationship between hadith and the Qur'an.¹ Islamic jurists in *fiqh* (Islamic jurisprudence) legal *istinbat*

¹ Wasman, et.al., "A Critical Approach to Prophetic Traditions: Contextual Criticism in Understanding Hadith," *Al-Jami'ah: Journal of Islamic Studies* 61, No. 1 (2023). Muhammad Irfan Helmy, et.al., "The Understanding of Islamic Moderation (Wasatiyyah Al-Islam) and the Hadiths on Inter-Religious Relations in the Javanese Pesantrens," *Indonesian Journal of Islam and Muslim Societies* 11, No. 2 (2021). Tarmizi M. Jakfar and Arifah Fitria, "Understanding Multiple Interpretation on the Hadith that Husbands Allow Wives to Have Outdoor Activities: A Study of Islamic Law Perspectives," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 5, No.

(*ahkām al-far'iyah*) have used Hadith as the *bayān* (elucidation) of the Qur'an. The legal provisions of the Qur'an, as the first and main source of Islamic law, have been explored with the help of directions from hadith, especially in verses that contain *ihthimal* (with several possible meanings) because one of the hadith functions as mentioned in the Qur'an is the *bayān* of Qur'anic verses (Surah Al-Nahl: 44 and 64). By using the hadith, *ulema* (Muslim scholars) elucidate the meanings of the verses of the Qur'an, such as by limiting the scope of meanings (*takhshis*) so that the general scope of the meanings of the verses becomes specific, determining the nature (*taqyid*) so that what is stated absolutely leads to something that has certain indicators, making addition (*ziyadah*) so that there are other actions included in what has been mentioned in the Qur'an, and annulling (*nasakh*) the legal provisions mentioned in the verses.

One example that shows a significant relationship between the hadith and the Qur'an is the case of hand cutting for thieves. The Qur'an states that "*for male and female thieves, cut off their hands...*" (Surah Al-Maidah: 38). To understand this verse, the *ulema* use the hadith to limit the generality of the word thieves (*al-sariq*) including all thieves whose levels of theft vary. Some *ulema* use the following hadith that states, "*It is not to cut off the hands of thieves, except (the amount of stolen goods) is a quarter of a dinar*" (Narrated by Muslim).² With this hadith, the legal provisions for cutting off the hands of thieves mentioned in the Qur'an only apply to thieves who steal goods which cost a quarter of a dinar.³ As for thieves who steal goods that cost less than a quarter of a dinar, the penalty for cutting off their hands is not applicable. Thus, the *ulema* have drawn legal conclusions based on the application of the hadith function as a *bayān takhsis*, limiting the generality of the scope of the Qur'an words.

On the other hand, some hadith that become the *bayān* of the Qur'an are believed to cause certain problems in the Islamic law, such as creating a sense of injustice, having gender inequality, and being irrelevant with the current times, among others. Syarifuddin describes that in the case of the inheritance of *kalalah* (leaving no parents or children as heirs) the use of the hadith by the majority of *ulema* has demeaned women.⁴ In the case of the word "*walad*" mentioned in the Qur'an Surah an-Nisa verse 176, the *ulema* limit the scope of its meaning to men and women only. "*They ask you (for a ruling, O Prophet). Say, "Allah gives you*

1 (2021). Lazuardi Muhammad Latif and Faisal bin Ahmad Shah, "The Understanding of Wasl Al-Fiqh Bi Al-Hadith at Traditional Dayah Aceh," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 16, No. 1 (2021).

² Imam Muslim, *Ṣaḥīḥ Muslim* (Beirut: Dar al-Kutub al-Ilmiyah, 1991), Vol. III, p. 1312.

³ Muhammad ibn Jarir Al-Tabari, *Jāmi' Al-Bayān Fi Ta'wīl Al-Qur'ān* (Beirut: Muassasah al-Risalah, 2000), Jilid VIII, p. 409.

⁴ Amir Syarifuddin, *Hukum Kewarisan Islam* (Jakarta: Kencana, 2012), p. 161–62.

a ruling regarding kalālah, those who die without children (walad) or parents.” If a man dies childless and leaves behind a sister, she will inherit one-half of his estate, whereas her brother will inherit all of her estate if she dies childless. If this person leaves behind two sisters, they together will inherit two-thirds of the estate...” However, in the use of this word by the Qur'an in the law of inheritance everything has a meaning that includes both men and women.⁵

Religious court judges at first level, appellate level, and even cassation level in some cases no longer pass decisions according to the *fiqh* rules where siblings (male and female) inherit jointly with daughters.⁶ In classical *fiqh*, the presence of a daughter does not prevent other siblings in obtaining inheritance. Only sons can prevent other siblings from inheriting. This *fiqh* provision is built on the limitation of the meaning of the word “*walad*” in verse 176, which is only limited to sons based on the hadith of Jabir and Huzail.⁷

Jabir ibn ‘Abdullah narrated that Sa’ad ibn al-Rabi’s wife came with her two daughters to the Prophet and said, “*O Messenger of Allah, these are Sa’ad’s two daughters. His father had been martyred in the Battle of Uhud. Their uncle (father’s brother) had taken all the property with nothing left. Both of them will not marry (getting proposed) if they do not have wealth*”. The Prophet replied, “*Allah will give a decision*”. Then the inheritance verse was revealed, and the Prophet called the uncle of the two children and said, “*give to the two daughters of Sa’ad (your niece) two-thirds (of Sa’ad’s inheritance), for their mother one-eighth and take the rest for you*” (Narrated by Tirmidhi).⁸

⁵For example, the words *awlad (jama’)* and *walad (mufrad)* in surah al-Nisa' verse 11 are interpreted as male and female, “*Allah prescribes (obliges) you regarding (the distribution of inheritance for) your children (awlad): for the male, what is equal to the share of two females.*” The share of men is twice that of women because men's obligations are heavier than women's, such as the obligation to pay a dowry and provide maintenance (see surah an-Nisā’/4: 34).

⁶The decisions of the Supreme Court of the Republic of Indonesia are: 1) Supreme Court Decision Number 86K/AG/1994 dated 20 July 1995; 2) Supreme Court Decision Number 184K/AG/1995, September 30, 1996; 3) Supreme Court Decision Number 327K/AG/1997 dated 26 February 1998. This Supreme Court of the Republic of Indonesia decision has become jurisprudence among religious court judges. Bangil Religious Court Decision Number 538/Pdt.G/2004/PA.Bgl, Sukabumi City Religious Court Decision Number 52.Pdt.G.1999, Aceh Province Sharia Court Decision Number: 42/Pdt-G/2008/MSy-Prov, Sampang Religious Court Decision No: 415/Pdt. P/2011/PA.Spg, and Surabaya Religious Court Decision Number 1043/Pdt.P/2015/PA.Sby. These decisions were made based on the decisions of the Supreme Court of the Republic of Indonesia mentioned above.

⁷Abu Abdullah Muhammad ibn Ismail Al-Bukhari, *Al-Jami’ Al-Sahih Al-Musnad Min Hadithi Rasulillah Sallallahu Alaihi Wassalam Wa Sunanihi Wa Aiyamihi* (al-Qahirah: al-Maktabah al-Salafiyah, 1400), p. 1669.

⁸Muhammad ibn ‘Isa ibn Saurah Al-Tirmidhi, *Sunan Al-Tirmidhi* (Riyadh: Maktabah al-Ma’arif li al-Nasyr wa al-Tauzi’, n.d.), p. 471.

Huzail ibn Syurahbil said that Abu Musa was asked about the share of daughters and granddaughters (of sons who died). *He replied, "For the daughter half, and for the sister half. Go to Ibn Mas'ud, he will certainly follow me."* When asked to Ibn Mas'ud about Abu Musa's opinion, he replied, *"Then I have gone astray and am not one of those who are guided. I will resolve based on the Prophet's decision that for daughters and for granddaughters one sixth as a complement to the two thirds, and the rest is for sisters."* We returned to Abu Musa and presented Ibn Mas'ud's opinion. Abu Musa then replied, *"Do not ask me as long as the pious person is still around"* (Narrated by Bukhari).⁹

A number of studies have discussed the relationship between hadith and the Qur'an on the following three aspects. First, studies concerned on the aspect of the functions and roles of hadith in the interpretation of the Qur'an. These studies reviewed the strong functions of hadith as the *bayān* for the instructions of the Qur'an. Some verses of the Qur'an could not be practiced without explanations from the hadith. The functions of this *bayān* were categorized into *bayān taqrir*, *bayān tafsir*, *bayān ziyadah*, and *bayān nasakh*. Studies on this aspect included those of Ali and Himmawan,¹⁰ Ansori,¹¹ Fikri,¹² Romli,¹³ and Saparullah.¹⁴

Second, studies focused on the aspect that discussed practice in terms of how hadith was used especially in the interpretation of the Qur'an. These studies intended to examine the hadith used in the explanation of the *asbab al-nuzul*, the meaning of words, the quality of the hadith, and the technique of citing hadith. Some of the conclusions in the studies showed that the use of hadith could lead to

⁹Abu Abdullah Muhammad ibn Ismail Al-Bukhari, *Al-Jami' Al-Sahih Al-Musnad Min Hadithi Rasulillah Sallalhu Alaihi Wassalam Wa Sunanihi Wa Aiyamihi* (al-Qahirah: al-Maktabah al-Salafiyah, 1400), p. 1669.

¹⁰Muhammad Ali and Didik Himmawan, "Peran Hadits Sebagai Sumber Ajaran Agama, Dalil, Dalil Kehujjahan Hadits Dan Fungsi Hadits Terhadap Al-Qur'an," *Risalah, Jurnal Pendidikan Dan Studi Islam* 5, No. 1 (2019), p. 125–132.

¹¹Isa Ansori, "Tafsir Al-Qur'an Dengan Al-Sunnah," *Kalam* 11, No. 2 (2017), p. 523-544.

¹²Hamdani Khairul Fikri, "Fungsi Hadits Terhadap Al-Qur'an," *Tasamuh* 12, No. 2, (2015), p. 178-188.

¹³Muhammad Tajuddin Romli, "Eksistensi Sunnah Dalam Penafsiran," *Al-Ifkar* XV, No. 1, (2021), p. 51-60.

¹⁴Ary Saparullah, "Urgensi Kedudukan Hadist Terhadap Al-Qur'an: Bayān Al-Ta'kid, Bayān Al-Tafsir, Dan Bayān Al-Tasyri'," *Jurnal Tana Mana* 2, No. 1 (2021), p. 57-64.

the historical contexts of *asbabun nuzul*, both the micro and macro contexts (e.g., Qudsy and Burhanuddin¹⁵; Rosmiyati¹⁶; Maizuddin¹⁷).

Third, studies concerned on the aspect of the thoughts of certain figures, especially contemporary figures in using hadith as the *bayān* of the Qur'an. The studies revealed how the hadith criteria were used as the *bayān* of the Qur'an, for example, hadith should not be understood individually, but collectively; and hadith had to be closely related to collective logic and human nature. Studies in this aspect included Muhammad Alfatih Suryadilaga¹⁸ and Mohammad Hasan Bisryi.¹⁹

This present study sought to fill the gap of other aspects of previous studies. The aspect studied was an examination of several typologies of hadith used as the *bayān* of the Qur'an. Each typology was believed to have its own problems, especially when associated with the effort to reform the Islamic law. Thus, this study differed from previous studies in two aspects. First, it examined the hadith used as the *bayān* of the Qur'an from a typology point of view and the problems associated with each of the typologies. However, the typology here did not refer to the typology of hadith quality, but the typology of its use as a reference to the Qur'an. Second, it attempted to correlate the problems of each of hadith typologies as the *bayān* of the Qur'an with the effort to reform the Islamic law.

Therefore, the discussion in this paper was based on the view that each typology of hadith that became the *bayān* of the Qur'an had its own problems, which posed a challenge to the effort to reform the Islamic law. The exploration of the problems contained in each typology of such hadith can hopefully be a consideration for Islamic jurists in using hadith as the *bayān* of the Qur'an in legal *istinbath*.

This study reviewed relevant research conducted on *tafsir* (exegesis) and *fiqh* literature, which used hadith as the *bayān* of the Qur'an in legal *istinbath*. The literature was not limited to certain eras such as classical, medieval, and modern eras, and was not limited to certain *madhhab* (schools of thought), to avoid the tendency to certain thoughts.

¹⁵ Saifuddin Zuhri Qudsy and Mamat S. Burhanuddin, "Penggunaan Hadis-Hadis Poligami Dalam Tafsir Ibnu Katsir," *Musāwa* 15 No (2016), pp. 182-197.

¹⁶ Imas Rosyanti, "Penggunaan Hadis Dalam Tafsir Al-Maraghi," *Diroyah: Jurnal Ilmu Hadis* 2, No. 2 (2018), p. 137-146.

¹⁷ Maizuddin, "Kualitas Dan Karakteristik Hadis-Hadis Bayān Tafsir Al-Qur'an Dalam Fikih Kewarisan," *Substantia* 17, No. 2, (2015), p. 167-178.

¹⁸ Muhammad Alfatih Suryadilaga, "Hadis Dan Perannya Dalam Tafsir Kontekstual Perspektif Abdullah Saeed," *Mutawâtir: Jurnal Keilmuan Tafsir Hadis* 5, no. 2 (2015), p. 325-341.

¹⁹ Mohammad Hasan Bisryi, "Penggunaan Hadis Dalam Tafsir Al-Qur'an Menurut Minardi Mursyid," *Jurnal Penelitian* 6, No. 1 (2019), p. 1-17.

This study is a literature study on hadiths which are seen as bayān of the Qur'an which is focused on Islamic inheritance law.²⁰ Data were collected by means of examining certain hadith used as the bayān of the Qur'an by *mufasssir* (exegete) and *fuqaha* (Islamic jurists) in carrying out legal *istinbath* (decision making), especially in cases of inheritance. Primary data sources in this study consisted of *tafsir ahkam* such as *Ahkām al-Qur'an* of al-Jashshash, *Ahkām al-Qur'an* of Ibn al-Arabi, *Ahkām al-Qur'an* of al-Kiya al-Harasi, and *tafsir* books that tended to be *ahkām (tafsir fiqhi)* such as *Tafsir al-Qur'an al-Karim* by al-Qurthubi, and *Tafsir al-Munir* by Wahbah al-Zuhaili. Other primary data sources included *fiqh* books, especially the comparative *fiqh* books containing how the law was being *istinbath*, such as *Bidāyat al-Mujtahid wa Nihāyat al-Muqtashid*.

Data collection was carried out by paying attention to legal *istinbath* cases that were widely discussed or debated by Islamic jurists. The purpose was to observe the problems raised by Islamic jurists from the use of hadith as the bayān of the Qur'an. The hadiths related to the bayān of the Qur'an collected were then classified based on the characteristics of their use as the bayān of the Qur'an, either by the Prophet himself or by Islamic jurists. Each of these classifications was examined based on its problems found in the arguments among the Islamic jurists. The problems that emerged were later correlated with the effort to reform the Islamic law.

The Typologies of Hadith of the Bayān of the Qur'an

The hadith that has become the bayān of the Qur'an is also known as the *tafsir* hadith. Apart from being found in the *tafsir* books to elucidate the meaning of Qur'anic verses and in the *fiqh* books to be the *dalil* (proof) for the *ijtihad* (independent reasoning) of Islamic jurists, such hadith is also found in the hadith books, especially those in the category of *al-jami'* books. In the hadith books of Sahih al-Bukhari and Sahih Muslim, for example, there is one chapter of *tafsir (kitab al-tafsir)* containing hadith as the interpretations of the Qur'anic verses. In Sunan al-Tirmidhi, there are also chapters of Qur'anic *tafsir (abwab tafsir al-Qur'an)* which contain hadith that explains particular Qur'anic verses.

Nevertheless, there are not many hadith explaining the verses of the Qur'an in the hadith books, which indicates that the Prophet did not explain every verse of the Qur'an. The Prophet only seemed to explain the verses of the Qur'an whose meanings were difficult to understand, as the companions did not comprehend the Qur'an academically and theoretically. In addition, there were

²⁰ M. Syuhudi Ismail, *Metodologi Penelitian Hadis Nabi*, (Jakarta: Bulan Bintang, 1992). Nasiruddin Yusuf, "Hadis Sebagai Sumber Hukum Islam (Telaah Terhadap Penetapan Kesahihan Hadis Sebagai Sumber Hukum Menurut Syafi'iy)," *Jurnal Ilmiah Al-Syir'ah* 13, No. 1 (2015).

examples from the Prophet, which were seen directly from the Prophet and told by other companions.

The hadith as the *bayān* of the Qur'an according to its use by Islamic jurists can be seen in three typologies. The first is the hadith as the *bayān* of the Qur'an directly stated by the Prophet. The second is the *bayān* hadith for a verse based on the information from the companions of the Prophet. The third is the hadith not mentioned directly by the Prophet for a verse, but rather the *ijtihad* of Islamic jurists as the *bayān* for certain verses.

Table 1: The Typologies of Hadith of the *Bayān* of the Qur'an

The Typologies of Hadith of the <i>Bayān</i> of the Qur'an		
The Prophet's instruction	The companions' information	The <i>ijtihad</i> of Islamic legal experts

In the first typology, there are several forms of the Prophet's statements indicating the hadith as the *bayān* of the Qur'an. The Messenger of Allah sometimes stated his words, and then recalled a verse by reciting the verse (*tsumma tala*) or by saying "read it if you want" (*faqra 'u in syi 'tum*), to which he continued to mention the whole verse. Abu Hurairah radhiallahu'anhu narrated that the Prophet PBUH said, "There is no believer unless I am more important to him both in this world and in the hereafter, read if you want, "The Prophet (should) be more important to the believers than himself their own... (Al-Ahzab: 6), "so any believer who dies and leaves property, let his heirs inherit it, and whoever leaves debts or family, let him come to me because I am his guardian" (Narrated by al-Bukhari).²¹ The Prophet's statement "read if you want" shows that the hadith that the Prophet conveyed was an explanation of the verse of the Qur'an that he was mentioning. Therefore, with this explanation, the companions could understand what the verse indicated.

On another occasion, the Prophet recited a verse, and then stated the meaning of the verse himself. Abu Ali Tsumamah ibn Syufi Al Hamdani narrated that he heard 'Uqbah ibn 'Amir Al Juhani said, "I heard Rasulullah PBUH was on the pulpit saying, "And prepare for them what you are capable of in the form of strength. Know that strength is archery, know that the power is archery, know that the power is archery!" (Narrated by Muslim,²² Abu Dawud, al-Darimi, and Ahmad). In this hadith, the Messenger of Allah explained what Allah meant by preparing strength in Surah al-Taubah verse 60. The Prophet stated that the power that Allah meant was archery.

²¹ Imam Al-Bukhari, *Al-Jami' Al-Sahih...*, p. 1202.

²² Imam Muslim, *Ṣaḥīḥ Muslim*, Vol. III, p. 1522.

Further, a companion stated that the Messenger of Allah had conveyed about a verse. Abu Hurairah narrated that Rasulullah PBUH said about His words, "*Hopefully your Lord will raise you to a commendable place*" (Al-Isra': 79). *He was asked about it and replied, "That is intercession"* (Al-Tirmidhi, 3062). The statement of a companion "about His words" (*fi qaulihi*) indicated that the hadith was the *bayān* of the verse.

Second, the hadith that the Prophet did not mention directly for a verse, but instead the information from the companions suggested that the hadith was related to a certain verse. In this case, the Prophet did not directly state his words as the *bayān* of a particular verse. The hadith in this typology sometimes explained the reasons for the revelation of a verse, which is also an important part of the *bayān* of a verse. Moreover, some of the hadith also seemed to explain the meaning of the verse.

Hadith describing the reasons for the revelation of some verses also played a role in the *bayān* of these verses. By knowing the reasons for the revelation, Islamic jurists can reconstruct legal developments. Al Bara' narrated that in the past when someone had fasted, he slept and did not eat until the next day. Indeed, *Shirmah ibn Qais Al Ansari came to his wife and she was fasting, and he said, "Do you have anything?" His wife said, "No, maybe I can go and get something for you." Then she left and Shirmah had fallen asleep, and then his wife came and said, "Disappointment for you." Then before noon he passed out, and he was working that day on his farm. Then he mentioned this to the Prophet. Then the verse came down, "It is lawful for you on the nights of the fasting month to go to your wives." He read it until he said, "That is dawn"* (Narrated by Bukhari).²³

In certain cases the rule of *al-'ibrah bi khusus al-sabab la bi 'umum al-lafzhi* is used. For Islamic jurists who apply this rule, the hadiths that explained the reasons for the revelation of verses are highly significant. In the cases of *zihar*, *li'an*, and theft committed by women during the time of the Prophet, for example, some Islamic jurists understood the verses of *zihar* by applying the rules *al-'ibrah bi khusus al-sabab* based on hadith.²⁴ Based on this special cause, the verse is applicable in other similar cases, or in the individual cases referred to in the verse.

With regard to the *zihar* case, Khuwailah bint Malik ibn Tsa'labah narrated, "*my husband, Aus bin Ash Shamit, declared zihar upon me, and then I came to the Messenger of Allah to complain to him, and while the Messenger of Allah was in dialogue with me about him, he said, "Fear Allah, he is your uncle's son!" I did not go away until the Qur'an was revealed, "Indeed, Allah has heard the words of women who filed lawsuits against you about their husbands, and*

²³ Al-Bukhari, *Al-Jami' Al-Sahih*...p. 461.

²⁴ Abd al-Rahman ibn Abi Bakr Jalal al-Din Al-Suyuti, *Al-Itqan Fi 'Ulum Al-Qur'an* (Beirut: Dar al-Fikr, 2000), pp. 60–61.

complained (matters) to Allah. And Allah hears the questions and answers between the two of you. Verily Allah is All-Hearing, All-Seer Seeing” until the mention of the obligations that Allah has obliged. Then he said, “Let him release a slave.” Khuwailah said, he did not have the means to do that. Then he said, “Let him fast for two consecutive months.” Khuwailah said, “O Messenger of Allah, he is an old man, he is unable to fast.” He said, “He should feed sixty poor people.” Khuwailah said he did not have anything he could donate. Khuwailah said then at that time she was given one faraq of dates, I said, “O Messenger of Allah, I will help him with another faraq.” He said, “You have done right and done well. Go and feed sixty poor people on his behalf and return to your uncle’s son.”²⁵

In addition, the companions also explained the explanation of the meaning of the verse in general. Aisha radhiallahu'anha narrated in relation to His words, “*Wa Yastaftuunaka Fin Nisaa’ Qulillahu Yuftiikum Fiihinna*” to the end of the verse. Aisha said, “*It means an orphan girl who is in the care of a man, and the orphan girl has also shared her wealth. Then the man does not want to marry her and he does not like it when the orphan girl marries someone else because of fear of interfering in their wealth. Thus, Allah forbids them to do that*” (Narrated by al-Bukhari).²⁶

Third, the hadith not mentioned directly by the Prophet for certain verses became the *ijtihad* by Islamic jurists as the *bayān* for certain verses. Islamic jurists considered a hadith based on the similarity of speech. Therefore, it was used as an explanation of the meaning of a verse of the Qur'an in various areas of *bayān* hadith. One example of such hadith was narrated from Aisha, “*Previously in the Qur'an, breastfeeding that can lead to becoming a mahram was ten breastfeedings, and then it was nasakh (deleted) with only five breastfeedings. Then Rasulullah PBUH died, and the verses of the Qur'an is still read as is*” (Narrated by Muslim).²⁷ This hadith is used as the *bayān* of surah al-Nisa' verse 23 to the phrase of “*your milk-mothers; your milk-sister*”.

With this hadith, breastfeeding or milk-sibling can mean the occurrence of breastfeeding of five times sucking milk can forbid a person's marriage, either with a milk-mother or with a milk-sibling.²⁸ The number of breastfeeding under

²⁵ Abu Daud Sulaiman ibn al-Asy'ats, *Sunan Abī Dāwūd* (Riyadh: Bait al-Afkar al-Dauliyah, n.d.), p. 252.

²⁶ Imam Al-Bukhari, *Al-Jami' Al-Sahih...* p. 1308.

²⁷ Imam Muslim, *Ṣaḥīḥ Muslim*, Vol. IV, p. 1075.

²⁸ Abu Adillah Muhammad ibn Ahmad Al-Qurthubi, *Al-Jāmi' Li Ahkām Al-Qur'ān* (al-Qahirah: Dar al-Kutub al-Ilmiyah al-Mishriyah, 1964), Vol. V, p. 109.

five times cannot be seen as the occurrence of this prohibition. Thus, this hadith is used as *bayān takhshish* (limitation of the meaning of breastfeeding).²⁹

The diversity of hadith regarding breastfeeding occurs due to the existence of a number of different breastfeeding numbers in several hadith. By using *ijtihad*, it can be seen that there is diversity in using hadith for certain verses. In the case of breastfeeding, another hadith was also used as the *bayān* of Surah al-Nisa' verse 23. The hadith was narrated from Abdullah ibn Zubair that the Prophet said, "It does not make a person a *mahram* for only one suction or two suctions" (Narrated by Muslim).³⁰ This hadith indirectly implies unmarriageability happens when being breastfed three times or more.³¹

The Problem of Each Typology and Its Implications

Renewal of the Islamic law is an unavoidable demand, as circumstances and conditions are constantly changing. The Islamic law shall therefore respond to new problems that arise in society. In addition, old problems that have changed also need to have the laws readjust. On the other hand, some of the existing Islamic laws are impractical since the laws were created based on social situations and conditions centuries ago, and thus, some of the laws are viewed to have irrelevance with the present.

Hadith becomes very important in legal *istinbath*, either as the *bayān* of the Qur'an or as a *dalil* for certain issues. As the *bayān* of the Qur'an, hadith can clarify, detail, limit or expand the meaning of a verse. As a specific *dalil*, hadith can provide a legal basis for an issue that arises in society. Therefore, in legal *istinbath*, the discussion of hadith is unavoidable.

The hadith in the first typology is identified as the Prophet's *tafsir* of the Qur'an, namely the Prophet's explanation of the Qur'an. In relation to this typology, one of the authors distinguishes it from other hadith that are also the *bayān* of the Qur'an.³² With this distinction, he refers the hadith of the Prophet's explanation of a Qur'anic verse as *tafsir al-nabawi*. Hadith not clearly indicated by the Prophet as the *bayān* of a verse, but later used by Islamic jurists as the *bayān* of the Qur'an is referred to as *tafsir bin al-sunnah*. Thus, there is a difference between the terms *tafsir al-nabawi* and *tafsir bi al-sunnah*.

In the first typology, there is no Islamic jurists' *ijtihad* because the Prophet had already explained the meaning of the verse. Islamic jurists have only been

²⁹ Ibnu Rusyd, *Bidayat Al-Mujtahid Wa Nihayat Al-Muqtashid* (Dar al-Ma'rifah, 1982), Vol. II, p. 476.

³⁰ Imam Muslim, *Ṣaḥīḥ Muslim*, Vol. II, p. 1074.

³¹ Ibnu Rusyd, *Bidayat Al-Mujtahid Wa Nihayat Al-Muqtashid*, Vol. III, p. 60.

³² Musa'id Sulaiman Al-Thaiyar, "Mashadir Al-Tafsir: Al-Tafsir Bi Al-Sunnah," Musa'id bin Sulaiman Nashir al-Thayar, accessed July 3, 2022, https://attyar.com/?action=articles_inner&show_id=2208.

using the hadith stated as the *bayān* of certain Qur'anic verses. Thus, legal *istinbath* does not require in-depth *ijtihad*. In the *tafsir* books, *mufasssir* have used such hadith to interpret verses according to the instructions of the Prophet. In explaining Surah al-Anfal verse 60 in which Allah said, "Prepare against them whatever strength (of arms) you can and warhorses," Al-Qurthubi, al-Syaukani, and Wahbah al-Zuhaili cited the hadith in which Rasulullah explained regarding this verse that the strength referred to was archery.³³

The Prophet's *tafsir* in certain cases was a response to the social situation of his time. The Prophet interpreted the Qur'an within the limits of the experiences of the people of his time. In interpreting Surah al-Anfal verse 60, which states the command to prepare forces to face the enemy, the Prophet interpreted the force as archery. This interpretation was highly contextual for its time, as arrows were sophisticated weapons at the time. Therefore, the ability to shoot and the availability of bows were two very important aspects of strength in wars.

As technology has changed and advanced, the means of wars experience developments from one stage to another as seen today. Due to changes in the use of increasingly sophisticated means of wars, the Prophet's *tafsir* as a situational response to society at that time has lost its relevance to the present time.

On that basis, in the many *tafsir* books, aside from the Prophet's *tafsir*, alternative meanings of the power mentioned in the verse are also described to adapt to the relevant periods. Hence, the word 'strength' has varied meanings according to the experiences of the *mufasssir*. Al-Khazin mentions that some of the *ulema* view the meaning of the word 'strength' as fortress (*al-hushun wa al-ma'aqil*).³⁴ Abu Hayyan al-Andalusi states the meaning of the word 'strength' as a fort built and a war machine.³⁵ Mutawali Sya'rawi in his *tafsir* says that today's strength can be in the form of armored vehicles, missiles, and planes.³⁶ Wahbah al-Zuhaili mentions the meaning of the word 'strength' includes the air force (*silah al-thairan*), cannons (*al-mudafi'*), tanks (*al-dabbabat*), submarines (*al-ghawashat al-bahriyah*).³⁷

³³ Al-Qurthubi, *Al-Jāmi' Li Ahkām Al-Qur'ān*, Vol. VIII, p. 35; Muhammad ibn Ali ibn Muhammad ibn Abdillāh Al-Syaukani, *Nail Al-Awṭār Min Ahādith Saiyid Al-Akhyār Syarh Muntaqā Al-Akhbār* (Misr: Dār al-Hadīth, 1993), Vol. II, 366; Wahbah Al-Zuhaili, *Al-Tafsir Al-Munir Fi Al-Aqidah Wa Al-Syari'ah Wa Al-Manhaj* (Damsyiq: Dar al-Fikr al-Mu'ashir, 1418), Vol. X, p. 69.

³⁴ Ala al-Din ibn Muhammad ibn Ibrahim Al-Khazin, *Lubāb Al-Ta'wīl Fi Ma'āni Al-Tanzīl* (Beirut: Dar al-Fikr, 1979), Vol. III, p. 45.

³⁵ Abu Hayyan ibn Yusuf Al-Andalusi, *Al-Bahr Al-Muhith* (Beirut: Dar al-Fikr, n.d.), Vol. V, p. 343.

³⁶ Muhamamd Mutawali al-Sya'rawi, *Tafsir Al-Sya'rāwi* (Ttp: Muthabi' Akhbar al-Yaum, 1997), Vol. VIII, p. 4777.

³⁷ Al-Zuhaili, *Al-Tafsir Al-Munir...*, Vol. X, p. 49.

The use of hadith as a situational response to certain social and geographical conditions, which turns into the *bayān* of the Qur'an, especially *bayān takhshish*, can reduce the meanings of the Qur'an to a certain meaning. This is an important issue to discuss, as the Qur'an as the main and first source should be universal. In other words, the Qur'an can be translated and applied in whatever space and time. In the case of hadith regarding the limitation of *zakat* (obligatory charity) on plants, Abu Musa al-Asy'ary and Mu'adz narrated that Rasulullah PBUH said to both of them: "Do not take *zakat* except from these four types, barley, wheat, raisins, and dates." This hadith was used as the *bayān* of the Qur'an Surah al-Baqarah verse 267: "O you who believe, spend (in charity) of the good things that you have earned, of what We produce for you from the earth." Hence, the *zakat* of the earth's produce (وَمِمَّا أَخْرَجْنَا لَكُمْ مِنَ الْأَرْضِ) is limited to the four said commodities.

The limitation has been discussed in several *fiqh* works. Athiyah ibn Muhammad Salim in *Syarh Bulūgh Al-Marrām* states that those who rely on the opinion on the aforementioned hadith limit the *zakat* of agricultural produce to four commodities: barley, wheat, raisins, and dates.³⁸ Al-Shan'ani in *Subul al-Salam*³⁹ and al-Syaukani in *Nail al-Auḥar*⁴⁰ mention that figures who held the view that *zakat* on agricultural products was limited to these four commodities include al-Hasan al-Bashri, al-Hasan ibn Salih, Sufyan al-Tsauri, al-Sya'bi, and Ibn Sirin. The views can also be seen in several *fatwas* on social media.

However, the limitation of the meaning of the verse cannot cover other agricultural products, which currently have become productive businesses that bring abundant results. These commodities include oil palm, coconut, tea, sugar cane, and shallots, among others. Oil palm, for example, can be said to have become the *prima donna* since the community enjoys its economic benefits. From 2017-2021, the national oil palm area has increased from 13.8 million hectares to 15.08 million hectares.

One important aspect to note here is that part of the *tafsir* of the Prophet shall be understood to be *muaqqat* (temporal) in nature. To be used as the *bayān* for the Qur'an, contextualization in the modern world needs to be emphasized. The difference between *hadaf* (purpose) and *wasilah* (media) as proposed by Yusuf al-Qaradawi⁴¹ should be a consideration in *ijtihad* for Islamic jurists. *Hadaf* may not change while *wasilah* can change as long as the goals can still be achieved

³⁸ Athiyah ibn Muhammad Sālim, *Syarh Bulūgh Al-Marrām*, n.d., Vol. IV, p. 131.

³⁹ Muhammad Ibn Ismail Al-Ṣan'ānī, *Subūl Al-Salām* (al-Qahirah: Maktabah Musthafa al-Babi al-Halabi, 1960), Vol. I, 530.

⁴⁰ Al-Syaukani, *Nail Al-Awṭār Min Ahādith Saiyid Al-Akhyār Syarh Muntaqā Al-Akhhār*, Vol. VI, p. 170.

⁴¹ Yusuf Al-Qaradawi, *Kaifa Nata'āmal Ma'a Al-Sunnah Al-Nabawiyah* (Al-Qahirah: Dār al-Syurūq, 2002), p. 159.

with the *wasilah*. In many cases, including in the practice of worship, e.g. observing natural phenomena to determine a worship time, it is necessary to consider *hadaḥ* and *wasilah*. With such considerations, the Islamic law can keep up with the times along with the advances in knowledge and technology.

In the third typology, Islamic jurists are required to use reasoning to understand the hadith of the Prophet so that they can refer the hadith as the *bayān* of certain verses. The *ijtihād* is even significant when there are several hadith that are similar but with differences in between. In this context, Islamic jurists consider which hadith will be the *bayān* of a particular verse. Their considerations can come from the quality of transmission, such as *mutawatir*, *masyhur*, and *ahad*, from the quality of narrators of hadith, such as *sahih*, *hasan*, and *dha'if*, or from other aspects.

The quality of the transmission of the hadith which is generally conjectural (*ḡhanni al-wurud*) and the quality of the transmission of the Qur'an which is entirely certain (*qath'i al-wurud*) may pose a problem when the hadith is used to limit the generality of the words of the Qur'an. It is questionable how a presumptive existence diverts or limits the meaning of a definitive existence. This issue arises due to conditions of inequality between the *bayān* and *mubayyan* which raise doubts, even though the *bayān* has a *dilalah* that is *qathi'*. In this regard, Al-Sarkhasyī states that hadith that are *mutawatir*, *masyhur*, or agreed upon, occupy the position of the Qur'an in its certainty which produces belief. As for questionable hadith, they are rejected when they contradict something that is convincing. *Masyhūr* hadith is stronger than *gharib* hadith because it is beyond any doubt. Thus, it is permissible to do *nasakh* with *masyhur* hadith, but not with *gharib* hadith.⁴²

Al-Sarkhasyī's explanation shows that hadith may have problems when used as the *bayān* of the Qur'an, as the existence of some hadiths are definite (*qathi'*), close to definite (*masyhur*), and conjectural (*ḡhan*). In line with al-Sarkhasyī, there are several views regarding the equality of *bayān* and *mubayyan*; *bayān* does not have to be equal to *mubayyan*, *bayān* is stronger or equal to *mubayyan*, and *bayān* must be stronger than *mubayyan*.⁴³

The hadith of the Prophet used as the *bayān* of the Qur'an also vary. There are several hadith made as a reference in a discussion or case, as in the case of the number of breastfeeding that causes unmariageability; one hadith stated five suction while another mentioned only two. In terms of the level of theft sentenced

⁴² Abu Bakar Ahmad ibn Abi Sahl Al-Sarkhasi, *Usul Al-Sarkhasi* (Beirut: Dar al-Kutub al-Ilmiyah, 1993), Vol. I, p. 366.

⁴³ Ali ibn Muhammad Al-Amidi, *Al-Ihkam Fi Usul Al-Ahkam* (Beirut: Dar al-Kitab al-Arabi, 1404), Vol. III, p. 31; Abd al-Karīm Ali ibn Muhammad Al-Namlah, *Al-Muhadhdhab Fi Ilm Al-Uṣūl Al-Fiqh Al-Maqāran* (Riyāḍ: Maktabah al-Rusyd, 1999), Vol. III, p. 1259.

to cutting off hands, some hadith stated that the amount of the theft was a quarter of a dinar, whereas others mentioned ten dirhams and three dirhams.

It is a common view that the verses of the Qur'an were revealed over a long period, including the verses that establish a decree or legal structure. These verses partially build the law gradually from one stage to the next until it reaches perfection. The cases of determining the laws on *khamr* (intoxicants), on the prohibition of usury, and on inheritance are examples commonly discussed by the writers of the history of the Islamic law. In certain cases, such as the determination of inheritance law, the verses were revealed over a long period, up to six years.

The verses revealed gradually have made changes in the determination of the law, and then hadith appeared to respond to, explain, or apply the provisions of the verses. The verse revealed to build the foundation of a law in the 5th year of Hijrah has its relevant hadith. Likewise, the verse revealed in the 9th year of Hijrah as a complement to the same legal structure in the verse of the 5th year of Hijrah also has its associated hadith.

Typology of the *Bayān* of the Qur'an on Islamic Inheritance

In practice, the hadith appearing in response to the verses revealed earlier have also been used as the *bayān* of the verses revealed much later. In the case of the law of *kalalah* inheritance in the verse 176 of Surah al-Nisa', the majority of Sunnis use the hadith from Jabir and from Huzail, as well as the hadith from al-Aswad corresponding to these two hadith.

Jabir ibn 'Abdullah narrated that Sa'ad ibn al-Rabi's wife came with her two daughters to the Prophet and said, "*O Messenger of Allah, these are Sa'ad's two daughters. His father had been martyred in the Battle of Uhud. Their uncle (father's brother) had taken all the property with nothing left. Both of them will not marry (getting proposed) if they do not have wealth*". The Prophet replied, "*Allah will give a decision*". Then the inheritance verse was revealed, and the Prophet called the uncle of the two children and said, "*give to the two daughters of Sa'ad (your niece) two-thirds (of Sa'ad's inheritance), for their mother one-eighth and take the rest for you*".⁴⁴

Huzail ibn Syurahbil said that Abu Musa was asked about the share of daughters and granddaughters (of sons who died). He replied, "*For the daughter half, and for the sister half. Go to Ibn Mas'ud, he will certainly follow me.*" When asked to Ibn Mas'ud about Abu Musa's opinion, he replied, "*Then I have gone astray and am not one of those who are guided. I will resolve based on the*

⁴⁴Abu Daud Sulaiman ibn al-Asy'ats, *Sunan Abī Dāwd* (Riyadh: Bait al-Afkar al-Dauliyah, n.d.), p. 327; Muhammad ibn 'Isa ibn Saurah Al-Tirmidhi, *Sunan al-Tirmidhi* (Riyadh: Maktabah al-Ma'arif li al-Nasyr wa al-Tauzi', n.d.), p. 472; Muhammad ibn Yazid al-Qazwini Ibn Majah, *Sunan Ibn Majah* (Riyadh: Dar al-Ma'arif li al-Nasyr wa al-Tauzi', n.d.), p. 462; Ibn Hanbal, *Musnad Al-Imam Ahmad Ibn Hanbal*, Vol. III, p. 352.

*Prophet's decision that for daughters and for granddaughters one sixth as a complement to the two thirds, and the rest is for sisters." We returned to Abu Musa and presented Ibn Mas'ud's opinion. Abu Musa then replied, "Do not ask me as long as the pious person is still around".*⁴⁵

Al-Aswad narrated that Mu'adh ibn Jabal once gave us a decision (on inheritance issue) during the time of the Prophet that daughters get half (of share) and sisters also get half (of share). Then Sulaiman said that he also gave a decision (on inheritance) but did not mention the Prophet PBUH.⁴⁶

Jabir's hadith indicates the decision of Rasulullah PBUH who divided Sa'ad ibn Rabi's wealth for his two daughters two-thirds, his wife one-eighth, and the rest to Sa'ad. Huzail's hadith describes that the Messenger of Allah gave a decision on the case of inheritance of daughters with granddaughters and sisters. In this case, the Messenger of Allah gave the daughters half, the granddaughters of the sons one sixth, and the rest for the sisters. The hadith by Mu'adh ibn Jabal shows a verdict to the companions at the time of the Prophet regarding the inheritance of a daughter and a sister; half was given to the daughter and half was given to the sister. The decisions of the Prophet and his companions were certainly based on their knowledge of the provisions made by the Prophet.

Regardless of the quality of these two hadith, Jabir's hadith clearly appeared earlier than the verse 176, as this hadith was based on the Prophet's sayings on the inheritance verses 11 and 12 of Surah al-Nisa' describing the provisions for each heir. Based on the information from this hadith, Sa'ad ibn Rabi' was declared a martyr in the Battle of Uhud, and thus, it can be estimated that this verse took place in the third or early fourth year of the Hijrah. The information reflects the Arab tradition of not taking a long time to distribute the inheritance of the deceased brothers. In terms of the hadith of Huzail ibn Syurahbil explaining the fatwa of Ibn Mas'ud that followed the Prophet's decision, several books of *syarh* hadith inform that this hadith appeared later when Abu Musa was the governor (*amir*) in Kufah during the time of Usman ibn Affan.⁴⁷ However, Ibn Mas'ud narrated a decision of the Prophet, which he once knew had taken place, without telling when the Prophet's decision occurred. Nevertheless, based on its compatibility with other hadith, it can be expected to also appear before the verse 176 of surah al-Nisa'.

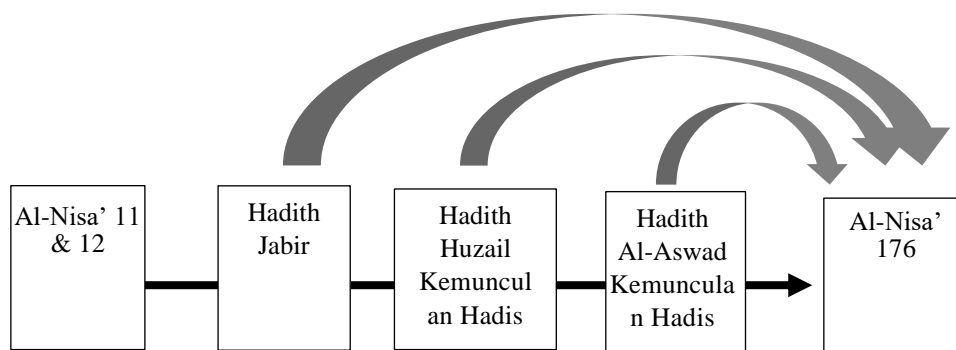
⁴⁵Al-Bukhari, *Ṣaḥīḥ Al-Bukhārī*, p. 1669; Abu Daud Sulaiman ibn al-Asy'ats, *Sunan Abī Dāwūd*, p. 327; Al-Tirmidhi, *Sunan Al-Tirmidhi*, p. 472; Ibn Majah, *Sunan Ibn Majah...*, p. 462; Ibn Hanbal, *Musnad Al-Imam Ahmad Ibn Hanbal*, Vol. I, p. 389; .Ahmad ibn Hanbal, *Musnad al-Imām Ahmad ibn Hanbal*, Vol. I, p. 389; Al-Darimi, *Sunan Al-Dārimī*, Vol. II, p. 447.

⁴⁶Al-Bukhari, *Ṣaḥīḥ al-Bukhārī*, p. 1670 and 1669.

⁴⁷Ibnu Hajar Al-Asqalani, *Fath al-Bārī Syarh Ṣaḥīḥ al-Bukhārī*, Juz XII, (Beirut: Dar al-Ma'rifah, 1379), p. 17; Badar al-Din Al-'Aini, *Umdat al-Qāri Syarh Ṣaḥīḥ al-Bukhārī*, Juz XXIV, p. 119; Al-Mubarakfuri, *Tuhfat al-Ahwadhī*, Juz VI, p. 224.

If this information is believed, then the hadith of Jabir, of Huzail, and of al-Aswad used as *bayān takhshish* of the verse are the hadith that appeared before the verse 176 of surah al-Nisa'. The following graph briefly describes the hadith occurrence.

Picture 1
The occurrence of hadith used by *jumhur* as the *bayān* of the Qur'an



From the illustration, the use of hadith that appeared earlier as the *bayān* of the verses revealed is contrary to the practice of Rasulullah PBUH who made legal decisions based on the verses that had been revealed to him. In addition, the use of these hadith also does not pay attention to the legal developments being made by the Qur'an gradually from one stage to the next. The questions from the companions (some narrations mentioned Umar ibn Khatab and some mentioned Jabir) regarding the issue of *kalalah* to the Prophet clearly show that the verse explaining the inheritance of the deceased in a state of *kalalah* had not been revealed. Therefore, the hadith narrated by Jabir, Huzail, and al-Aswad are not appropriate to be used as *bayān takhshish* of Surah al-Nisa' verse 176.

Hadith used as the *bayān* of certain verses shall take into account the time of their occurrence. The hadith used as the *bayān* of the Qur'an should be hadith appearing after the verses of the Qur'an were revealed, and not before them, otherwise it would restore the legal changes that the Qur'an had built in the early stages. In certain cases, the Qur'an has established the laws gradually over a relatively long time. One of such laws is the law of inheritance which started from building the public's perception that women had the right to inherit both parents, whose verse was believed to reveal in the 5th year of Hijrah, to the issue of *kalalah*, whose verse was estimated to reveal in the 9th year of Hijrah.

If this were applied, then the position of women in inheritance, which had been raised by the Qur'an from one stage to another, would be clearly seen without any difference of opinion of Islamic jurists, i.e. the existence of a daughter will make prevent her siblings in obtaining inheritance.

In the case above, there are various hadith used for a *bayān* of a certain verse. However, the use of only one hadith can also reduce the meaning of the Qur'an to a particular meaning. On the other hand, there will be hadith ignored because they are not used as the *bayān* of a verse. Nevertheless, it is still possible that these various hadith become the *bayān* for a Qur'anic verse in different conditions, or indicate the minimum and maximum limits of an action intended by a verse. In this context, Abdullah Saeed affirms that it is significant to consider the hadith literature as a whole, or a large number of hadith found in a problem, in order to help and understand the contents of hadith collectively on a particular issue since one hadith cannot fully describe one issue.⁴⁸

Conclusion

This study revealed that the hadith typology in regard to the *bayān* of the Qur'an has showed the methodological problem when linked to the effort to reform the Islamic law, which could pose a challenge in an attempt to reform the law. On the one hand, the demand for renewal of the Islamic law has been affected by the current situations and conditions, and thus the Islamic law needs to change to be relevant with the current times. On the other hand, the methodological problem, i.e. the theory of the relation of hadith to the Qur'an, still requires improvements to support the efforts to reform the law. The hadith clearly emphasized by the Prophet for a certain verse still need understanding for their contextual content. If the hadith is the Prophet's response to a social situation, it is necessary to contextualize its meaning in the present time so that the hadith is compatible in today's era. The various hadith used as the *bayān* for a verse also need to be examined as long as they are in the *maqbul* category, and there should be no fixation on trying to choose one among the many, but rather use the results of the thematic study for a verse of the Qur'an. Further, the hadith occurring earlier should not be made the *bayān* of the Qur'anic verses revealed much later, as the verses revealed later had brought new changes. The use of such hadith could potentially cause legal reforms that had been reconstructed to return to the initial stage while the Qur'an has moved on to the next stage. If these suggestions are taken into account, the efforts to reform the Islamic law in terms of inheritance will strengthen the position of women as the Qur'an indicates.

References

Journals and Books

Al-Amidi, Ali ibn Muhammad, *Al-Ihkam Fi Usul Al-Ahkam*. Beirut: Dar al-Kitab

⁴⁸ Abdullah Saeed, *Al-Quran Abad 21 Tafsir Kontekstual* (Bandung: Mizan, 2016), p. 138.

al-Arabi, 1404.

Al-Andalusi, Abu Hayyan ibn Yusuf, *Al-Bahr Al-Muhith*. Beirut: Dar al-Fikr, n.d.

Al-Asy'ats, Abu Daud Sulaiman ibn, *Sunan Abī Dāwd*. Riyadh: Bait al-Afkar al-Dauliyah, n.d.

Al-Bukhari, Abu Abdullah Muhammad ibn Ismail, *Al-Jami' Al-Sahih Al-Musnad Min Hadithi Rasulillah Sallallahu Alaihi Wassalam Wa Sunanihi Wa Aiyamihi*. Al-Qahirah: al-Maktabah al-Salafiyah, 1400.

Al-Khazin, Ala al-Din ibn Muhammad ibn Ibrahim, *Lubāb Al-Ta'wīl Fi Ma'āni Al-Tanzīl*. Beirut: Dar al-Fikr, 1979.

Al-Namlah, Abd al-Karīm Ali ibn Muhammad, *Al-Muhadhdhab Fi Ilm Al-Uṣūl Al-Fiqh Al-Maqāran*. Riyāḍ: Maktabah al-Rusyd, 1999.

Al-Qaraḍawi, Yusuf, *Kaifa Nata'amal Ma'a Al-Sunnah Al-Nabawiyah*. Al-Qahirah: Dār al-Syurūq, 2002.

Al-Qurthubi, Abu Adillah Muhammad ibn Ahmad, *Al-Jāmi' Li Ahkām Al-Qur'ān*. Al-Qahirah: Dar al-Kutub al-Ilmiyah al-Mishriyah, 1964.

Al-Ṣan'ānī, Muhammad Ibn Ismail, *Subūl Al-Salām*. Al-Qahirah: Maktabah Musthafa al-Babi al-Halabi, 1960.

Al-Sarkhasi, Abu Bakar Ahmad ibn Abi Sahl, *Usul Al-Sarkhasi*. Beirut: Dar al-Kutub al-Ilmiyah, 1993.

Al-Suyuti, Abd al-Rahman ibn Abi Bakr Jalal al-Din, *Al-Itqan Fi 'Ulum Al-Qur'an*. Beirut: Dar al-Fikr, 2000.

Al-Sya'rawi, Muhamamd Mutawali, *Tafsir Al-Sya'rāwi*. Ttp: Muthabi' Akhbar al-Yaum, 1997.

Al-Syaukani, Muhammad ibn Ali ibn Muhammad ibn Abdillah, *Nail Al-Awṭār Min Ahādith Saiyid Al-Akhyār Syarh Muntaqā Al-Akhbār*. Misr: Dār al-Hadīth, 1993.

Al-Tabari, Muhammad ibn Jarir, *Jāmi' Al-Bayān Fi Ta'wīl Al-Qur'ān*. Beirut: Muassasah al-Risalah, 2000.

Al-Thaiyar, Musa'id Sulaiman, "Mashadir Al-Tafsir: Al-Tafsir Bi Al-Sunnah." Musa'id bin Sulaiman Nashir al-Thayar. Accessed July 3, 2022. https://attyar.com/?action=articles_inner&show_id=2208.

Al-Tirmidhi, Muhammad ibn 'Isa ibn Saurah, *Sunan Al-Tirmidhi*. Riyadh: Maktabah al-Ma'arif li al-Nasyr wa al-Tauzi', n.d.

Al-Zuhaili, Wahbah, *Al-Tafsir Al-Munir Fi Al-Aqidah Wa Al-Syari'ah Wa Al-Manhaj*. Damsyiq: Dar al-Fikr al-Mu'ashir, 1418.

Ali, Muhammad and Didik Himmawan, "Peran Hadits Sebagai Sumber Ajaran Agama, Dalil, Dalil Kehujjahan Hadits Dan Fungsi Hadits Terhadap Al-Qur'an," *Risalah, Jurnal Pendidikan Dan Studi Islam* 5, No. 1 (2019).

Ansori, Isa, "Tafsir Al-Qur'an Dengan Al-Sunnah," *Kalam* 11, No. 2 (2017).

Bisyri, Mohammad Hasan, "Penggunaan Hadis Dalam Tafsir Al-Qur'an Menurut Minardi Mursyid." *Jurnal Penelitian* 6, No. 1 (2019).

- Fikri, Hamdani Khairul, "Fungsi Hadits Terhadap Al-Qur'an," *Tasamuh* 12, No. 2 (2015).
- Helmy, Muhammad Irfan, et.al., "The Understanding of Islamic Moderation (Wasatiyyah Al-Islam) and the Hadiths on Inter-Religious Relations in the Javanese Pesantrens," *Indonesian Journal of Islam and Muslim Societies* 11, No. 2 (2021). DOI: <https://doi.org/10.18326/ijims.v11i2.351-376>.
- Ismail, M. Syuhudi, *Metodologi Penelitian Hadis Nabi*, Jakarta: Bulan Bintang, 1992.
- Latif, Lazuardi Muhammad and Faisal bin Ahmad Shah, "The Understanding of Wasl Al-Fiqh Bi Al-Hadith at Traditional Dayah Aceh," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 16, No. 1 (2021). <https://doi.org/10.19105/al-ihkam.v16i1.3911>.
- M. Jakfar, Tarmizi and Arifah Fitria, "Understanding Multiple Interpretation on the Hadith that Husbands Allow Wives to Have Outdoor Activies: A Study of Islamic Law Prespectives," *Samarah: Jurnal Hukum Keluarga Islam dan Hukum Islam* 5, No. 1 (2021). DOI: <http://dx.doi.org/10.22373/sjhc.v5i1.9106>.
- Maizuddin, "Kualitas Dan Karakteristik Hadis-Hadis Bayān Tafsir Al-Qur'an Dalam Fikih Kewarisan." *Substantia* 17, No. 2, (2015). DOI: <http://dx.doi.org/10.22373/substantia.v17i2.3989>.
- Muslim, Imam, *Ṣaḥīḥ Muslim*. Beirut: Dar al-Kutub al-Ilmiyah, 1991.
- Qudsy, Saifuddin Zuhri and Mamat S. Burhanuddin, "Penggunaan Hadis-Hadis Poligami Dalam Tafsir Ibnu Katsir," *Musāwa* 15, No. 2 (2016). DOI:10.14421/musawa.v15i2.1304.
- Romli, Muhammad Tajuddin, "Eksistensi Sunnah Dalam Penafsiran," *Al-Ifkar: Jurnal Pengembangan Ilmu Keislaman* 15, No. 1 (2021).
- Rosyanti, Imas, "Penggunaan Hadis Dalam Tafsir Al-Maraghi." *Diroyah: Jurnal Ilmu Hadis* 2, No. 2 (2018). DOI: <https://doi.org/10.15575/diroyah.v2i2.2502>.
- Rusyd, Ibnu, *Bidayat Al-Mujtahid Wa Nihayat Al-Muqtashid*. Dar al-Ma'rifah, 1982.
- Saeed, Abdullah, *Al-Quran Abad 21 Tafsir Kontekstual*. Bandung: Mizan, 2016.
- Sālim, Aṭīyah ibn Muhammad, *Syarh Bulūgh Al-Marrām*, n.d.
- Saparullah, Ary, "Urgensi Kedudukan Hadist Terhadap Al-Qur'an: Bayān Al-Ta'kid, Bayān Al-Tafsir, Dan Bayān Al-Tasyri'," *Jurnal Tana Mana* 2, No. 1 (2021).
- Suryadilaga, Muhammad Alfatih, "Hadis Dan Perannya Dalam Tafsir Kontekstual Perspektif Abdullah Saeed." *Mutawātir: Jurnal Keilmuan Tafsir Hadis* 5, no. 2 (2015). DOI: <https://doi.org/10.15642/mutawatir.2015.5.2.235-342>.

Syarifuddin, Amir, *Hukum Kewarisan Islam*. Jakarta: Kencana, 2012.

Wasman, et.al., "A Critical Approach to Prophetic Traditions: Contextual Criticism in Understanding Hadith," *Al-Jami'ah: Journal of Islamic Studies* 61, No. 1 (2023).DOI: <https://doi.org/10.14421/ajis.2023.611.1-30>.

Yusuf, Nasiruddin, "Hadis Sebagai Sumber Hukum Islam (Telaah Terhadap Penetapan Kesahihan Hadis Sebagai Sumber Hukum Menurut Syafi'iy)," *Jurnal Ilmiah Al-Syir'ah* 13, No. 1 (2015). DOI: <http://dx.doi.org/10.30984/as.v13i1.4>.

Legal Rules

Supreme Court Decision Number 184K/AG/1995.

Supreme Court Decision Number 327K/AG/1997.

Supreme Court Decision Number 86K/AG/1994.

Aceh Provincial Sharia Court Decision Number: 42/Pdt-G/2008/MSy-Prov.

Bangil Religious Court Decision Number 538/Pdt.G/2004/PA.Bgl.

Sukabumi City Religious Court Decision Number 52.Pdt.G.1999.

Sampang Religious Court Decision Number 415/Pdt. P/2011/PA. Spg.

Surabaya Religious Court Decision Number 1043/Pdt.P/2015/PA.Sby.