



Implementation of Qawa'id Al-Fiqhiyyah Mazhab Hambali in Islamic Economic

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ABSTRACT

Purpose: This research aims to provide knowledge about qawa'id al-fiqhiyyah Hambali sect thought and its application in sharia economic law seen of the four popular rules of jurisprudence

Design/Method/Approach: This research is library research, using documentation data collection techniques, and data analysis using content analysis

Findings: Results showed that qawa'id fiqhiyyah dissect Hambali's for bidden right speed before the time, over the main push of the lift, badal (substitute) is positioned mubdal (replaced), and the latter considered common practice, while rare, and there is no law to him. The fourth method is able to address the problem Kulli (general), and in particular the problems of legal jurisprudence of Islam among the modern economy, which in this case study can not be separated from AL Quran and Hadits.

Originality/Values: The main contribution of this research is to fill the gap in how the implementation of qawa'id al-fiqhiyyah mazhab hambali in Islamic economic law.

INTRODUCTION

Qawa'id al-fiqhiyyah is very important to learn for Muslims, especially the jurists, so that they really master the jurisprudence and apply the appropriate Islamic law. The scholars who gave birth to many knowledge qawa'id al-fiqhiyyah are known as the imams of the four sects, namely, Hanafi, Hambali, Maliki, and Syafi'i. The four imams of the sect have been recognized by the world for their understanding of fiqh. The main key to understanding fiqh of course lies in the support of understanding the method of qawa'id al-fiqhiyyah.¹

From the explanation of qawa'id al-fiqhiyyah, it can be known that it is very important in Islamic law. In the Qur'an and Hadith there are those who explain the problem of *furu'* (debate) or verses that explain in *jawami'* al-kalim, and the last is the problem of the experience of scholars in the field, especially the problem of muamalah known many problems among scholars fuqaha. Finally, the scholars try to find a solution to the problem of muamalah to be applied in accordance with the Islamic economy.

Thus, the scholars of jurists present a precise and quick solution to respond to existing problems, especially the problems encountered by the imams of the sect, especially Imam Hambali. He was known as a jurist and mastered the science of qawa'id al-fiqhiyyah. In answering the questions of society is not difficult for him, and has been able to issue many methods of fiqh.

Qawa'id al-fiqhiyyah Imam Hambali is very much to be applied especially in his 4 (four) books. The author chooses four things that are popular in today's society to discuss. The four things are:

1. من تعجل حقه او ما أبيع له قبل

2. المنع أسهل من الرفع

3. يقوم البديل مقام المبدل ويسد مسده ويبني حكمه

4. العبرة بالغالب والنادر لا حكم له

These four methods are able to answer the questions in Islamic economics that are emerging in everyday life today. Human life seems to be simplified with technology, especially the problem of muamalah which in this case sharia economy, for example shopping no longer walks to the market because there are convenient applications such as grab, lazada, shopee and

¹ Prawitra Thalib, 'Pengaplikasian Qowaid Fiqhiyyah Dalam Hukum Islam Kontemporer', *Yuridika*, 31.1 (2016), 54 <<https://doi.org/10.20473/ydk.v31i1.1958>>.

others. For this question of course requires sophisticated answers as well.² To answer the sophisticated question there is a new rule that also answers it, in this case qawa'id al-fiqhiyyah which is more appropriate to provide a solution.

Theoretical Foundation

Biography of

Imam Ahmad bin Hambal is known as a mujtahid who has great ability in matters of Islamic law, because he is an expert in the field of hadith and jurisprudence. His full name is Abu Abdillah Ahmad bin Muhammad ibn Hanbal ibn Hilal ibn Asad al- Syaibaniy al-Bagdady. He was more often called Ahmad ibn Hambal. Ahmad bin Hambal's name was attributed to his grandfather, because his grandfather was more famous than his parents. He came from the Arab descent of Bani Syaibah from the Rabi'ah Adnaniyah Tribe.³

Definition of Qawa'id Al-Fiqhiyyah

Qawa'id Al-Fiqhiyyah is a provision of kulli (general) that can be applied to know the law of partial issues, such as "Al-Yaqin La Yuzalu Bi Al-Syak" (Belief can not be removed with doubt), meaning that if Muslims believe that the bank interest is the same as riba and in the sharia economy it is considered haram, it means that all Muslims acknowledge that interest or riba is haram in the Islamic economy.⁴

According to Musthafa az-Zarqa, qawa'id al-fiqhiyyah is something that is the basis in determining the law that is universal and simple can also be said to be in the form of rules that contain Islamic sharia law for the event of various circumstances. So qawa'id al-fiqhiyyah is to give a law on issues that are universal in nature so that it can be used as a basis of reference to determine the law on the issue of Islamic law is used in the face of sophisticated life and change has entered the digital era.

Importance of Qawaid Fiqhiyyah

² Syafaruddin Munthe, 'Jurnal EduTech Vol . 4 No . 2 September 2018 ISSN : 2442-6024 Jurnal EduTech Vol . 4 No . 2 September 2018 ISSN : 2442-6024', *Jurnal EduTech*, 4.2 (2018), 74–80.

³ Inventori Kecerdasan and Pelbagai Ikep, 'Ahmad Bin Hambal (Pemikiran Fikih Dan Ushul Fikihnya) Oleh', 6.

⁴ Ali Geno Berutu, 'Qawa ' id fiqhiyyah asasiyyah qawa ' id fiqhiyyah asasiyyah Makalah Di Presentasikan Pada Mata Kuliah : ISSUES IN CONTEMPORARY USUL FIQH Oleh : Dosen Pengampu : Prof. Dr. Said Aqil Al-Munawwar , MA . Beserta Tim Dosen Disusun Oleh : Ali Geno Berutu', December, 2019 <<https://doi.org/10.13140/RG.2.2.15419.57121>>.

Qawa'id Al-Fiqhiyyah is a very important thing in facing the current era because it formulates the arguments *furu'* to determine the method of *istinbat* legal in sharia economy. The scholars give jurisprudence without escaping the understanding of qawa'id al-fiqhiyyah. Imam Al-Qarrafi gave the basis of the discipline of science is the mastery of qawa'id al-fiqhiyyah number two after the science of *ushul fiqh*.⁵

Method of *fiqhiyyah* or easier qawa'id al-fiqhiyyah According to the jurists, the, is to make it for the *mujtahids* to give laws that continue to grow today, especially seeing the people's economy as a problem until now such as buying and selling transactions have used various technology models to be practiced in daily activities, this shows modern forms of transactions that did not exist in the past, whether such as *whatsapp*, *facebook*, *instagram* and others.

For that it is necessary to see the importance of qawa'id al-fiqhiyyah to answer all the changes of the challenges of the future. The limitations of the law in the *Qur'an* and *Hadith* make it difficult for lawyers to find solutions to the most sophisticated contemporary questions.

As for the importance expressed by Ali Ahmad An Nadwi in his book *al qawa'id al-fiqhiyyah* in answering the challenges of the times change for the future is:⁶

1. Qawa'id al-fiqhiyyah easier to dominate Islamic Jurisprudence Jurists solutions in Islamic jurisprudence makes it easy to understand through method *fiqhiyyah* by which the problems of *fiqh* never trailed in life man. Sometimes problems are found that appear and are difficult to solve well, especially the problem of *furu'* in the sharia economy.

In everyday life, there are many questions of *furu'*, especially on the issue of sharia economics, which always requires all the easy and quick answers in responding to the problems of sophisticated economic law today, especially among the *mujtahids* who master sharia economic law.

2. Qawa'id al-fiqhiyyah helps maintain and master the questions that are much debated

⁵ Abbas Sofwan, 'Interelasi Qowaid Usul Dan Fiqhiyyah Sebagai Sebagai Landasan Hukum Islam Yang Universal', *Legitima: Jurnal Hukum Keluarga Islam*, 1.1 (2018), 1–19 <<https://doi.org/10.33367/legitima.v1i1.640>>.

⁶ S Hilal, 'Urgensi Qawâ 'Id Al-Fiqhiyyah Dalam Pengembangan Ekonomi Islam', *Al-Adalah*, 5, 2011, 1–12 <<http://ejournal.iainradenintan.ac.id/index.php/adalah/article/view/25>>.

The questions that are debated are usually muamalah problems. In order to avoid the debate leading to an unwanted direction in Islam, it is necessary to make the rule as a way to present the law. Presenting the law includes taking care of the problems faced by the community; especially the community needs a quick and accurate answer to solve the problems faced, so as not to confuse the public in obtaining the law.

3. Facilitate jurists in bringing the analogy (ilhaq closer) and takhrij know the laws that have not been explained in jurisprudence.

Fiqh scholars (jurists) are known as people who know or can use their minds in answering the problems faced by society. Conveniently, when the presence of al-fiqhiyyah qawa'id jurists can use the of reason logic to know the legal issues in an era of Islamic economic present and future.

4. Make it easier for people to discuss jurisprudence

The issue of jurisprudence that will never be lost in the activities of muamalah, dividing or mapping parts of the law, by separating the different issues and summarizing them in one particular proposition. Many propositions faced among the ummah with the presence of qawa'id al-fiqhiyyah provide facilities in issuing and resolving various issues, especially sharia economic issues that require many forms of change in the current era, of course with the presence of qawa'id al-fiqhiyyah provide facilities in mapping new issues to be given legal provisions.

5. Summarizing the problems in a bond

Qawa'id al-fiqhiyyah can summarize when there are questions that he faces to be given a quick and accurate answer so that the welfare of the ummah is facing various problems. So it can be known that qawa'id al-fiqhiyyah in addition to providing convenience for jurists in determining the law also includes providing great benefits in answering the issues of furu ', especially in muamalah activities that are in the sharia economy.

The books of the Rules of Fiqh of the Hanbali⁷

- a. Al-Qawa'id al-Nuraniyah al-Fiqhiyah School, written by Ibn Taymiyyah (661-728 H). His full name is Imam Taqiyuddin Abu Abbas Ahmad bin Abd al-Halim bin Abd al-Salam bin Abdullah bin Taimiyah. In his discussion, Ibn Taymiyyah mentioned Qawaid and Dhawabith. Similarly in his book of jurisprudence, al-Fatawa.

⁷ Roberto Hernandez Sampieri, 'Konsekuensi Perbedaan Fikih Terhadap Kaidah Fikih', 634.

- b. Al-Qawaid al-Fiqhiyah, by Ibn Qadhi al-Jabal (d. 771 H), full name Ahmad bin al-Hasan bin Abdullah
- c. Taqrir al-Qawaid wa Tahrir al-Fawaid, by Bin Raja al-Rahman bin Syihab bin Ahmad bin Abi Ahmad Raja Ini this Fook there Ara 160 rules.
- d. Al-Qawai'd al-Kulliyah wa al-Dhawabith al-Fiqhiyah, by Ibn Abd al-Hadi (d. 990 H) his full name is Yusuf bin Hasan bin Ahmad bin Ahmad bin 'Abd al-Hadi.

METHODS

The study in this study is a library research, by taking data from secondary data that is, documentation related to qawa'id al-fiqhiyyah which is more popular by Imam Hambali. Data sources in the form of scientific articles and books. To analyze the data, researchers use content analysis that is to analyze all written data sources related to the problem of qawa'id al-fiqhiyyah, and then describe the popular qawa'id al-fiqhiyyah from Imam Hambali by looking at studies on sharia economic law.

RESULTS AND DISCUSSION

The existence of qawa'id al-fiqhiyyah in determining the law is an activity that must be applied in daily life to implement the teachings of Islamic law in accordance with the demands of Islamic law. While the application in qawa'id al-fiqhiyyah in the activity of obtaining the value of worship in God is not detached with the existence of a conscience that feels wholeheartedly has really applied the existing Islamic law. Qawa'id al-fiqhiyyah imam Hambali is very much to be applied, but in this case the author discusses four famous methods applied. The four qawa'id al-fiqhiyyah are as follows:

Forbidden to Accelerate the Right before Time.

حقه او ما أبيح له قبل وقته على وجه حمرم عوقب بحرمان فعل

Meaning: Whoever accelerates his rights or allows before the due time will be given an illegal sanction of something is an

It act done in a hasty manner in obtaining a right is an act that is considered impolite and unethical, because such an act seems hasty, while not yet which is right for him.⁸ In doing something it is not recommended to be in

⁸ Aprilia Mardiatuti, 'Syariat Makan Dan Minum Dalam Islam: Kajian Terhadap Fenomena Standing Party Pada Pesta Pernikahan (Walimatul 'Ursy)', *Jurnal Living Hadis*, 1.1 (2016), 151 <<https://doi.org/10.14421/livinghadis.2016.1072>>.

a hurry, even if the human habit is in a hurry, as Allah says below: Meaning: "Man has been made (habitual) in a hurry".⁹

Acts that are hated by God are usually acts that use something more in hurry, but the way many do not pay attention to its halal and even some deliberately apply it in an illegal way. For example, in the contemporary case, when Muslims want to perform Hajj that is not the right time for him to leave, but he wants to leave by lobbying the *panitia*, so that it can be accelerated to leave. Such an act is forbidden in Islam.

So whoever takes the right before the appointed time is an act that is forbidden in Islamic law, because such an act is a reprehensible act. Therefore, Muslims should stay away from deeds that follow the *syara'*, including reprehensible deeds.

More Rejecting than Lifting

أسهل من الرفع المنع

Meaning: Rejecting is better than lifting

Regarding the above method shows that it is necessary to reject acts that cause harm to him self, because rejecting is better than accepting. Provide an umbrella before the rain, provide an umbrella before the rain means prevent it from raining when we are on the road.¹⁰

Islam is a religion that always reminds people to be more careful in accepting something, so that in the future there is no mistake in the action taken. Human actions are sometimes done a lot without being based on the method of jurisprudence and can be fatal or careless without thinking about the consequences later on.

For that, it is necessary to reject evil in all actions so that the action does not cause harm to him self. In acting may later regret and lose. For example, in the contemporary case, it is forbidden for Muslims to take debts in conventional banks, the ban has been agreed upon by the scholars, so leaving debts in conventional banks is better than accepting them. So rejecting an act that results in a loss is better than accepting it. Therefore it is better to stay away from what is called harm, so that there will be no regrets later.

⁹ 'Departemen Agama RI, Al-Quran & Terjemahnya (Jakarta: PT. Intermedia, 1992), h. 452'.

¹⁰ Trained Entrepreneur, 'Sedia Payung Sebelum Hujan', 2013, 1–20.

Badal (Parts) is Positioned Mubdal (Replaced)

حكمه يقوم البدل مقام المبدل ويسد مسده ويبني

That Substitute is positioned on a Pagani, standing in place and law established the legal substituted

This method shows the position of the substitute position similar to the one it replaced, not there is a difference between them. The replaced position indicates the successor's ability to represent the one being replaced. The replacement ability can occupy the same as the replacement is seen as appropriate, and the replacement ability to be applied in accordance with the required conditions. It is also described other methods are:

يقوم البدل مقام المبدل ولكن لا يصرار إليه

Occupy Substitute Positions Replaced; But Not Conducted except Substitute Execution (Worship) The Substituted Hindered This is a principle that was popular among scholars.

The above method also explains that the position replaced must be the same to the successor, for example the matter is obligatory then the successor follows the obligatory matter so that the successor is also obligatory, if the matter is in the form of *sunnah* then the successor also belongs to the *sunnah*.¹¹ Among the arguments underlying this rule is the word of Allah Almighty

وإن كنتم مرضى أو على سفر أو جاء

And if you are ill or on the way or return from the place of defecation (toilet) or touch a woman, then you do not get water, then *bertayamumlah* with good soil (clean); wipe your face and hands with the soil. Allâh does not want to make it difficult for you, but He wants to purify you. [al-Mâidah / 5: 6]

The above verse explains that Allah commands to replace water as a tool to purify from light defilement, meaning water is a matter that is obligatory to purify, especially in performing ablution ' when wanting *shalat*, but if the water not found then the obligatory matter must be replaced with *tayamum* (purified with soil or dust). Similarly, for example, the contemporary case in a matter in the Islamic Financial Institutions when the leader gives his representative to attend the monthly meeting, a position that represents the same as the leader of the Islamic Financial Institutions at the meeting. Similarly, the Prophet *sallallahu 'alaihi wa sallam*:

الصعيد الطيب وضوء المسلم وإن لم يجد الماء

¹¹ Zakirun Pohan And Sekolah, 'Urgensi Kaidah Fikih Dalam Reaktualisasi Hukum Islam', 2554, 147–67 <Http://Library1.Nida.Ac.Th/Tempaper6/Sd/2554/19755.Pdf>.

Holy Dust is a tool for Muslim ablutions although he did not get water for ten years. If he has found water then he should be pious to Allah and touch the water to his skin.¹²

So the above Hadith that reinforce soil or dust must be replaced for purification if not Menem not the water.¹³ This means that one should not perform *shalat* when performing ablution other than water or soil (dust). When performing shworshipalat without using water or dust, then the act is not valid in Islam, even get the reward of sins that he received by him. Therefore, this method shows the correct replacement position and in accordance with Islamic law, so that the application of the replacement position really does not blame the law.

Considering common habits, while those who rarely have no law for him

العبرة بالغالب و النادر لا حكم له

Meaning: Those who count habits while those who rarely have no law for him the.

Practice of habit is an activity that is integrated with humans and sometimes difficult to leave, when left feels less in an activity, such as buying and selling conditions puberty but it is a lot of children who are accustomed to buying or selling, especially on snacks

When custom made by repeated and over in the same shape, it is considered good practice and does not blame Islamic law, then it is considered as law, while acts that are unusual or rarely done are not classified as legal considerations.¹⁴

Customary habits are done in good ways or do not blame Islamic law. For example, in contemporary cases, the practice in the West Semantic Region of the practice of inheritance distribution is given in greater numbers to daughters, because daughters are given the authority to live with their parents. This means that daughters are more important in taking care of their parents. So the habit is taken into account if the habit is good for the local community then it can be used as a consideration into law in implementing sharia economic activities.

¹² Berutu.

¹³ Sampieri.

¹⁴ 'Mengangkat-Hukum-Kebiasaan-Dalam-Islam-s.Pdf.

CONCLUSIONS

The above description can be concluded that qawa'id al-fiqhiyyah is a study that discusses the sciences of law in general (broad) so that it can be applied in everyday life. The same goes for the current situation. In the fourth qawa'id al-fiqhiyyah by Imam Hambali answering the question of sharia economic law, it is clear that the ability to answer the question of kulli (general) makes it easier to understand fiqh, especially Islamic economic law. ■

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