



## Hadith *Istinbath* Methodology: A Comparative Review between Salafiyah Scholars and Persatuan Islam (PERSIS)

Robi Permana<sup>1\*</sup> and JM Muslimin<sup>2</sup>

<sup>1</sup> Syarif Hidayatullah State Islamic University Jakarta, Indonesia; robipermana1504@gmail.com

<sup>2</sup> Syarif Hidayatullah State Islamic University Jakarta, Indonesia; Jm.muslimin@uinjkt.ac.id

\*Correspondence : robipermana1504@gmail.com

Received: 2024-07-29; Accepted: 2024-09-26; Published: 2024-10-04

**Abstract:** This study explores the comparative methodologies of legal deductions (*istinbath*) between Salafi scholars and Persatuan Islam (PERSIS) in applying hadith as a source of Islamic law. Salafi scholars adopt a textual approach to interpreting hadith, whereas PERSIS prefers a contextual approach that considers social conditions and the clear meaning of the hadith. The Salafi approach tends to yield stricter and less flexible legal conclusions, whereas PERSIS is more open to changes and relevance in modern times. This article highlights how these methodological differences significantly impact legal rulings on issues such as the *isbal*, beard maintenance, and wearing of the niqab. The research employs a descriptive qualitative approach, analysing various primary and secondary sources related to hadith-based legal methodology

**Keywords:** *Istinbath* Methodology; Salafi; PERSIS; Hadith; Contextualization; Islamic Law.

**Abstrak:** Penelitian ini membahas perbandingan metodologi *istinbath* hukum antara ulama Salafi dan Persatuan Islam (PERSIS) dalam penerapan hadis sebagai sumber hukum Islam. Ulama Salafi mengadopsi pendekatan tekstual dalam menafsirkan hadis, sementara PERSIS lebih memilih pendekatan kontekstual yang mempertimbangkan kondisi sosial dan makna yang jelas dari hadis. Pendekatan Salafi cenderung menghasilkan kesimpulan hukum yang lebih ketat dan tidak fleksibel, sedangkan PERSIS lebih terbuka terhadap perubahan dan relevansi zaman modern. Artikel ini menyoroti bagaimana perbedaan metodologi ini berdampak signifikan terhadap penetapan hukum dalam isu-isu seperti *isbal*, pemeliharaan jenggot, dan pemakaian cadar. Penelitian ini menggunakan pendekatan kualitatif deskriptif dengan menganalisis berbagai sumber primer dan sekunder terkait metode *istinbath* hukum berbasis hadis.

**Keywords:** Metodologi *Istinbath*; Salafi; PERSIS; Hadis, Kontekstualisasi; Hukum Islam.

## 1. Introduction

The determination of law in Islam is closely related to the concept of *ijtihad*, which is the earnest effort of a *mujtahid* to explore Sharia law based on the main sources of Islam, namely the Qur'an and hadith. In the *ijtihad* process, the methodology or *manhaj* used for *the istinbath al-ahkam* (derivation of law) determines the results. The process of legal deduction involves several important stages, such as determining *dilalah al-ahkam* (legal indication), *wajh al-istidlal* (argumentation basis), *thuruq al-istinbath* (method of legal deduction), to *istinbath al-ahkam* (drawing the final law). Each of these stages depends on a deep understanding of the primary sources of Islam, especially the Qur'an and hadith, which serve as the legal basis for the *mukallaf* (individuals who are qualified to be responsible in sharia) (Harahap, 2001).

Hadith as the second source of law after the Qur'an plays a fundamental role in determining Islamic law. Hadiths contain several important aspects such as *tamtsil* (symbolic), *jami' al-kalim* (conveyance of concise yet profound meaning), and symbolic elements that often require further interpretation. In the context of law, hadiths function as *bayan tafsir* (clarifying the meaning of the Qur'an), *bayan tasyri'* (giving new laws), *bayan nasakh* (replacing previous laws), and *bayan taqrir* (validating existing practices), which shows the importance of understanding the context, cause, and purpose of every word in the Prophet Muhammad (Al-Mubarakfuri, 1997).

Scholars' approaches to understanding and using hadith in determining the law vary significantly. For example, Imam Malik emphasized the practice of the people of Medina as an important reference, whereas Imam Shafi'i focused more on the validity of the hadith as the main foundation. The textual (textualist) approach adopted by scholars such as Ibn Hazm emphasizes the textual understanding of the hadith without considering the broader context (Zaidan, 2009). These approaches often result in different legal conclusions, even though the source or redaction of the hadith used is the same.

Understanding the methodology of hadith-based legal interpretations has become an important theme in contemporary Islamic legal studies. Salafi thought, which focuses on the textual or textualist approach, heavily emphasizes the use of authentic hadith as the main source of law, without considering contextual factors such as *asbab al-wurud* (the causes of the emergence of hadith) and *maqasid al-shariah* (the goals of the Shariah). According to Lauzière (2010), this approach tends to be conservative and views the law as static. This can be seen in the practice of Salafi scholars, who often forbid things that are not explicitly mentioned in the Qur'an and hadith, such as music or beard trimming (Muzaki, 2019).

On the other hand, scholars from the Persatuan Islam Organization (PERSIS) have adopted a more contextual approach to understanding hadith. Besides considering the validity of the hadith, they also focus on whether the hadith has a clear meaning (*sharih*). If a hadith does not have a clear meaning, then, according to

PERSIS, it cannot be used as a strong legal basis (Noor, 2017). This approach opens room for flexibility in determining the law, making it more relevant to the context of modern times.

This study aims to compare the methodologies of Salafi and PERSIS in the process of hadith-based legal deduction, focusing on how these two schools apply hadith in the context of contemporary law making. It also seeks to uncover the implications of these different approaches in the development of Islamic law in a dynamic and evolving society.

This research has important significance because it provides deeper insights into how different methodological approaches between Salafi and PERSIS can produce different implications in the application of Islamic law. In the modern era, where social changes and contemporary challenges are increasingly complex, understanding the methodological differences between the Salafi textual approach and the PERSIS contextual approach is indispensable for compiling Islamic law, which is more adaptive and responsive to the needs of modern society.

Historically, the Salafi approach has its roots in textualist thought pioneered by scholars such as Ibn Taymiyyah and developed through the Wahhabi tradition. This approach strongly emphasizes the authenticity of religious sources, with little room for contextual interpretation in keeping with the view that Islamic law is fixed and unchangeable. In contrast, PERSIS, which emerged in the early 20th century in Indonesia, adopted a more contextual approach, recognizing the importance of paying attention to social realities in the application of law, making it more flexible and adaptive to the times (Noor, 2017).

The study of the methodology of hadith-based legal interpretation is the focus of the comparison between the Salafi and PERSIS approaches. Salafis generally use the textual (textualist) method to understand hadith, whereas PERSIS is more likely to use a contextual approach. Several studies have examined this difference in the application of the legal guidelines.

Salafi-Wahabi Islamic Legal Thought in the View of the Ulama Fikih Four Mazhabs by Andi Wulanjiha Noer Paraga et al. (2024) in the journal *El-Faqih* provides important insights into the style of Salafi legal thought and its comparison with the four schools of *fiqh*. Paraga et al. (2024) emphasized that the Salafi method tends to be textual and cautious in accepting legal innovations that are not explicitly mentioned in the Qur'an or hadith. In comparison, this study highlights how the PERSIS method is more open to the use of *ijtihad* and contextualization in deciding the law, especially if the hadith does not have a clear meaning.

In the study *Hadith Criticism Methods of the Salafi and Modern Sufi Schools: A Comparative Analysis* by Umar Muhammad Noor (2017) in *E-Proceedings of the 4th International Conference on Arabic Studies and Islamic Civilization*, Noor examines the differences between the Salafi and Sufi approaches to hadith criticism. Noor points out that Salafi scholars prioritize strict *Matan* criticism, in contrast to modern Sufis,

who are more flexible. This study focuses on how Salafis applies hadith criticism to maintain the accuracy of legal rulings, whereas PERSIS is more open to adjusting the law to changing social realities.

The *Charisma of Script: The Quran and the Hadith in Neo-Salafi Online Community* by Samira Tabti (2019) examines how Neo-Salafi communities practice a textual approach to understanding the Quran and the hadith, with an emphasis on the authority of authentic hadith. Tabti (2019) shows that the Neo-Salafi community favors a textual approach that leaves no room for contextual interpretation. This study provides insights into how religious texts function as charismatic authorities that become absolute guidelines in the lives of Neo-Salafi communities.

Moreover, in the study *Salafism and Traditionalism* by Emad Hamdeh (2021), it is emphasized that Salafis, especially purists such as Nasir al-Din al-Albani, focus heavily on the authentication of hadith through strict criticism. This aims to ensure that the resulting legal decisions are based purely on texts that are considered the most authentic. Hamdeh points out that Salafis often avoids using tools of contextual interpretation, such as *maqasid al-shariah*, in favor of a textual approach in the application of law.

In contrast, the more contextual approach of PERSIS, as described in Umar Muhammad Noor's (2017) study, accommodates social and historical realities in understanding hadith. PERSIS emphasizes that if a hadith does not have a clear meaning, it cannot be used as a strong basis in determining the law, in contrast to the Salafi approach, which is more rigid in complying with the text textually.

The *Construction of Salafiyya: Reconsidering Salafism from the Perspective of Conceptual History* by Henri Lauzière (2010) also provides an overview of the conceptual history of the Salafi movement rooted in the Wahhabi tradition, which views this approach as the purest method of interpreting Islamic law. This approach, while consistent in maintaining the authority of the text, is often challenged in accommodating legal plurality and adapting to modern contexts.

This study fills a void in the literature that examines the comparative methodology of legal deductions between Salafis and PERSIS, especially in the context of the application of hadith in the contemporary law-making process. While there have been many studies on hadith criticism and the application of Islamic law in the context of Salafi and PERSIS separately, few studies have compared the direct differences between these two methodologies in hadith-based rulings.

This study uses a qualitative, descriptive, descriptive approach that analyzes various primary and secondary sources related to hadith-based legal methodology applied by Salafi and PERSIS scholars. Data collection was conducted through library research by reviewing various scientific works, journals, and articles that focused on the hadith-based legal *istinbath* methods used by the two groups. The data were analysed comparatively to find differences in methodology and their impact on the determination of the law.

## 2. Result

### *Hadith on Isbal*

*Isbal* is the masdar of “*asbala*,” *yusbilu-isbaalan*,” which means “*irkhaa-an*,” *yusbilu-isbaalan*, meaning *irkhaa-an*, meaning lower, lower, or extended. In other words, as stated by Imam Ibn 'Aroby (*may Allah have mercy on him*) and others, it means: lengthening, lowering, and extending the garment until it covers the ankles and touches the ground, whether out of pride or not. (Al-Fadhl & Ibn Mukrim, 1414).

### *Isbal According to Salafiyah Scholars and PERSIS Scholars*

As a result, Salafi scholars strictly prohibit *isbal* in all forms (*mutlaq*). In this case, the method used by Salafi scholars is textual, where *mutlaq* Rasūlullah Saw threatened the perpetrators of *isbal*,

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ قَالَ: مَا أَسْفَلَ مِنَ الْكَعْبَيْنِ فِي النَّارِ (رواه البخاري)

Abu Hurairah (May Allah be pleased with him) reported: The Prophet (PBUH) said, “What is below the ankles of a lower garment is condemned to the Fire (Hell).”

As for the understanding of the Hadith related to pride, the Hadith cannot be used as a barrier, because both have different roles, so the method used is the rule “applies to its absoluteness and *muqayyad* applies to its *muqayyad*” if these two Hadiths do not have a connection. The Hadith in question is from Ibn Umar RA as follows,

مَنْ جَرَّ ثَوْبَهُ حُيَلَاءَ لَمْ يَنْظُرِ اللَّهُ إِلَيْهِ يَوْمَ الْقِيَامَةِ

If anyone trails his garment arrogantly, God will not look at him on the day of resurrection (Al-Bukhāri, 1311; Muslim, 2009).

Another reason that Hadith cannot be used as a limitation is that there are four types of *Mutlaq* rulings that lead to *Muqayyad*:

- a. Each of them has the same rules and causes.
- b. Their rulings are the same but their causes are different
- c. Because they are the same but the rulings are different
- d. Each of these has different laws and causes.

According to Salafis, even though there is a *muqayyad* text (i.e., the Hadith of *Isbal* because of pride), it cannot simply be brought into the *muqayyad* ruling because *mutlaq* and *muqayyad matters* have four features that must be clear and relevant regarding the legal relationship and conditions. In other words, when there is a difference in reason between the *Mutlaq* Hadith and the *Muqayyad* Hadith, the two Hadiths do not apply. *Hamlul mutlaq 'alal muqayyad wājibun* (bringing the *mutlaq* to the *muqayyad* is obligatory) means that the *mutlaq* Hadith applies to the

*absoluteness*, while the *muqayyad* Hadith adds the ruling of the severity of the action if it is accompanied by pride.

*Isbal* according to the scholars of PERSIS

Before determining the law of *isbal*, PERSIS scholars first use the *tabyin* method, which first explains the realm of worship and the realm of *mu'amalah*. In principle, *Isbal* is related to the way/mode of dressing which includes *mu'amalah* affairs, while *mu'amalah* the basic law is permissible, as long as there is no evidence that prohibits it, this is as the *ushuliyah* rule which states,

والأصل في المعاملات الصحة حتى يقوم دليل على البطلان والتحريم

The basic principle in all *mu'amalats* is that it is permissible until there is evidence indicating that it is invalid or forbidden. (Al-Jauziyyah, 1996).

Another similar rule by Imam Ash-Shukani in Fathul Qadir states,

أن الأصل في الأشياء المخلوقة الإباحة حتى يقوم دليل يدل على النقل عن هذا الأصل

The original law of all creations is permissible until there is evidence to show that this original law has changed.

Although the Hadīth on *isbal* with the wording without the *taqyid* of pride is *saheeh*, it does not indicate that it is *saheeh*, because the law of *mu'amalah* is permissible. In other words, the *isbal* Hadith requires *illat* as a *taqyid* to emphasize the ruling, and the *taqyid* is pride. Therefore, the interpretation of the prohibition is not *isbal* but pride. The reason it is forbidden to wear *an isbal* is only related to pride, because clothing at that time was one of the triggers for pride, based on the Hadith of the Prophet (may Allah's peace and blessings be upon him).

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: "تَعِسَ عَبْدُ الدِّينَارِ،

وَالدِّرْهَمِ، وَالْقَطِيفَةَ، وَالخَمِيصَةَ، إِنْ أُعْطِيَ رَضِيَ، وَإِنْ لَمْ يُعْطَ لَمْ يَرْضَ"

Narrated Abu Huraira: The Prophet said, "Perish the slave of Dinar, Dirham, Qatifa (thick, soft cloth), and Khamisa (a garment), for if he is given, he is pleased; otherwise, he is dissatisfied." (Al-Bukhāri, 1311).

Phrags are mentioned in the case of damage or accidents. In general, it covers all aspects, including the aspect of pride that causes the wrath of Allah. This indicates that cloth is one of the treasures that have the highest value, just like gold or silver, which all have a connection in triggering arrogance, while the perpetrator of arrogance is an act or attitude that is forbidden, the Messenger of Allah (saw) said,

لَا يَدْخُلُ الْجَنَّةَ مَنْ كَانَ فِي قَلْبِهِ مِثْقَالُ ذَرَّةٍ مِنْ كِبَرٍ

"It is narrated on the authority of 'Abdullah that the Apostle of Allah (may peace be upon him) observed: He who has in his heart the weight of a mustard seed of pride shall not enter Paradise." (Hr. Muslim)

PERSIS scholars respond to the arguments of *Isbal* with a partial and simultaneous approach, also viewing the Hadiths related to *isbal* although valid but not *sharīh*,

meaning that they must be understood as a whole and cannot stand alone, because there are some Hadiths that are absolute and *muqayyad* (tied to pride): the *mutlaq* Hadiths explain clothing while the *muqayyad* Hadiths explain the cause of the accident, which means that dressing that causes the value of pride, then the law is forbidden whether it is *isbal* or not. The mention of the word *isbal* is not the main topic of discussion, but one of the factors of dressing. It can be seen that the Prophet and his Companions once wore clothes with *Isbal*, if it is absolutely Haram, then this law must apply to the Prophet and Companions, as the following Hadith,

عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ عَنِ النَّبِيِّ قَالَ مَنْ جَرَّ ثَوْبَهُ خِيَلَاءَ لَمْ يَنْظُرِ اللَّهُ إِلَيْهِ يَوْمَ الْقِيَامَةِ قَالَ أَبُو بَكْرٍ يَا رَسُولَ اللَّهِ إِنَّ أَحَدَ شِقِّي إِزَارِي يَسْتَرْخِي إِلَّا أَنْ أَتَعَاهَدَ ذَلِكَ مِنْهُ فَقَالَ النَّبِيُّ لَسْتَ مِمَّنْ يَصْنَعُهُ خِيَلَاءَ - رواه البخاري - .

Narrated `Abdullah bin `Umar: The Prophet said Allah will not look, on the Day of Resurrection, at the person who drags his garment (behind him) out of conceit. Abu Bakr said, "O Allah's Apostle! One side of my Izar hang is low, if I do not take care of it. The Prophet said, 'You are not one of those who do that out of conceit.'" (Al-Bukhāri, 1311).

Thus, the scholars of PERSIS took the *ushuliyyah* rule

حَمْلُ الْمُطْلَقِ عَلَى الْمُقَيَّدِ وَاجِبٌ

"Bringing the meaning of a proposition that is *mutlaq* to *muqayyad* is obligatory." (Al-Shāfi'ī, 2003).

The forbidden *isbāl* occurs when it is done because of *khuyalā'a/baṭran* (arrogance). However, *isbāl*, which is not performed out of arrogance, is not prohibited.

### Hadith on Maintaining the Beard and Mustache

The method of applying the law to Salafis and PESRIS in addressing the law of maintaining beards and trimming them is different. Salafi scholars use the textual method (*mantuq*) of the clear words of the Prophet to lengthen the beard and prohibit its trimming. PERSIS scholars use the *illat al-hukm* method, where the *mantuq* is drawn to the *mafhum* so that it is understood that the command to maintain the beard is only to differ from the Jews or polytheists; as long as the Jews or polytheists have beards, then the command to maintain the beard disappears. Therefore, PERSIS scholars of PERSIS concluded that it is permissible to maintain the beard or to trim it. The following are their arguments

### Maintaining the Beard According to Salafiyah Scholars

Salafi scholars ruled that it is obligatory to maintain the beard and *haraam* to trim it completely. This is based on the following evidence,

عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: خَالِفُوا الْمُشْرِكِينَ، وَاقْرُوا اللَّحْيَ، وَأَحْفُوا الشَّوَارِبَ! (رواه البخاري).

Narrated Nafi` : Ibn `Umar said', Do the opposite of what the pagans do. Keep the beards and cut the moustaches quickly (Al-Bukhāri, 1311).

انْهَكُوا الشَّوَارِبَ وَأَعْفُوا اللَّحْيَ! (رواه البخاري)

Narrated Ibn `Umar: Allah's Apostle said, "Cut the moustaches short and leave the beard (as it is).

خَالِفُوا الْمُشْرِكِينَ، أَحْفُوا الشَّوَارِبَ، وَأَوْفُوا اللَّحْيَ! (رواه مسلم)

Ibn Umar said: The Messenger of Allah (may peace be upon him) said: Act against the polytheists, trim closely the moustache and grow a beard. (Al-Bukhāri, 1311).

جُرُّوا الشَّوَارِبَ، وَأَرْحُوا اللَّحْيَ، خَالِفُوا الْمُجُوسَ! (رواه مسلم)

Abu Huraira reported: The Messenger of Allah (may peace be upon him) said: Trim closely the moustache, and grow a beard, and thus act against the fire-worshippers. (HR Muslim: 260)

جُرُّوا الشَّوَارِبَ، وَأَرْجُوا (أو أَرْجُوا) اللَّحْيَ، خَالِفُوا الْمُجُوسَ. (رواه مسلم)

Abu Hurairah r.a. reported that the Prophet said: Cut off your moustaches, lengthen your beards, and separate from the Magi. (Muslim, 2009).

عن أبي أمامة قال: ... فَقُلْنَا يَا رَسُولَ اللَّهِ إِنَّ أَهْلَ الْكِتَابِ يَقْصُونَ عَثَانِيَهُمْ وَيُوقِرُونَ سِبَالَهُمْ

قَالَ فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قُصُّوا سِبَالَكُمْ وَوَقِرُوا عَثَانِيَكُمْ وَخَالِفُوا أَهْلَ الْكِتَابِ (رواه

أحمد)

Abu Umamah reported: ...then we asked: "O Rasūlullāhulloh, did the people of the Book cut their beards and grow their moustaches?". The Prophet (peace and blessings of Allah *be upon him*) replied: "Cut your moustaches, and let your beards be long, and separate the People of the Book (Jews and Christians)!" (Ahmad, 2001).

From the above descriptions, Salafiyah scholars drew the following conclusions.

- 1) Hadīths indicate the explicit command to grow the beard, while commandment indicates that it is obligatory, and prohibition contradicts it. This means that growing the beard is obligatory and trimming it is forbidden.
- 2) The Prophet (peace and blessings of Allah be upon him) linked the command to grow the beard with the command to disobey Jews, Christians, polytheists, and Magi, indicating the strength of the obligatory ruling because two commands that come together in the same action are stronger than just one command.
- 3) The Hadīths show five different wording of the command, which indicates that it is obligatory to grow the beard because the command with five different wording is much more convincing than using only one wording.
- 4) All Companions grew their beards as concrete evidence of the obligation to maintain a beard.



Salafiyah scholars also claim that the prohibition of shaving a beard is a consensus.

1) Ibn Hazm azh-Zhohiri (*may Allah have mercy on him*):

اتفقوا على أن حلق اللحية مثله لا يجوز

Scholars unanimously agree that shaving the beard is an act of (*mutslah*) mutilation and is not permissible. (Hazm, 2012).

2) Shaykh al-Islam Ibn Taymiyyah (*may Allah have mercy on him*):

يحرم حلق اللحية للأحاديث الصحيحة ولم يبيحه أحد

Shaving the beard is *haraam*, because of the *Saheeh* traditions (about it), and there is no one who permits it. (Muhamad, 2012).

3) Al-Ala'i (*may Allah have mercy on him*):

إن الأخذ من اللحية دون القبضة كما يفعله بعض المغاربة ومخنثة الرجال لم يبيحه أحد.

وأخذ كلها من فعل يهود الهند ومجوس الأعاجم.

There is nothing permissible about trimming a part of the beard shorter than the length of the hand, as has been done by some Moroccans and effeminate men. As for trimming it all the way down—that is, the practice of the Jews of the Indies and the Magi of A'jam. ('Abdan, 2019).

4) Abul Hasan al-Qoththon al-Maliki (*may Allah have mercy on him*):

واتفقوا على أن حلق اللحية مثله لا تجوز

Scholars are unanimous in their opinion that shaving a beard is a (*mutslah*) Mutilation action that is not permissible. (Al-Qaṭṭān, 2011).

Based on the apparent meaning of the hadith and the consensus of scholars, Salafiyah scholars are of the view that shaving the beard is *haraam*.

Maintaining a beard according to the scholars of PERSIS

PERSIS scholars have a different view that cutting off the beard is permissible, because there is a *qarinah* that overrides the prohibition of cutting off the beard, namely the existence of other traditions that explain *taqyid* as the '*illah*' of the prohibition, so that if the '*illah*' is lost, the ruling on shaving off the beard is permissible. *The 'illah* in question is in order to make a distinction between polytheists and disbelievers.

عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: خَالِفُوا الْمُشْرِكِينَ، وَفَرِّزُوا

اللِّحْيَ، وَأَحْفُوا الشَّوَارِبَ! (رواه البخاري).

Narrated Nafi`: Ibn `Umar said, 'Do the opposite of what the pagans do. Keep the beards and cut the moustaches quickly' (Al-Bukhāri, 1311).

The reason for the prohibition is related to the elimination of disbelievers, and when that reason is removed, cutting the beard becomes permissible. Based on this, the rule is as follows:

حُكْمُ يَدُورُ مَعَ الْعِلَّةِ وَجُودًا وَعَدَمًا

“The existence or non-existence of a law depends on its illat”

Nowadays, many polytheists and disbelievers wear beards, so the implication is no longer present, and the command is nullified.

Efforts were made in the Prophet's time to distinguish the disbelievers and polytheists not only with beards and moustaches, but also with other things, for example:

عَنْ يَعْلَى بْنِ شَدَّادِ بْنِ أَوْسٍ عَنْ أَبِيهِ قَالَ قَالَ رَسُولُ اللَّهِ ﷺ خَالِفُوا الْيَهُودَ فَإِنَّهُمْ لَا يُصَلُّونَ فِي نِعَالِهِمْ وَلَا خِفَافِهِمْ - رواه ابو داود - .

“Ya'la ibn Shaddad ibn Aus reported from his father that the Messenger of Allah (peace and blessings of Allah be upon him) said: 'Contrast yourselves with the Jews, for they pray without their sandals or shoes on.'” (Dāwud, 2009).

عَنْ أَبِي هُرَيْرَةَ قَالَ : قَالَ رَسُولُ اللَّهِ ﷺ : إِنَّ الْيَهُودَ وَالنَّصَارَى لَا يَصْبُغُونَ فَخَالِفُوهُمْ - رواه ابن حبان -

From Abi Hurairah ra. He said, The Messenger of Allah (peace be upon him) said. Jews and Christians do not dye their hair, and thus differ from them. (Al-Albānī, 2003).

عَنْ عَائِشَةَ قَالَتْ : لَمَّا نَزَلَ بِرَسُولِ اللَّهِ ﷺ لَمَّا نَزَلَ بِرَسُولِ اللَّهِ ﷺ طَفِقَ يَطْرُحُ خَمِيصَةً عَلَى وَجْهِهِ فَإِذَا اغْتَمَّ كَشَفَهَا عَنْ وَجْهِهِ فَقَالَ وَهُوَ كَذَلِكَ لَعْنَةُ اللَّهِ عَلَى الْيَهُودِ وَالنَّصَارَى اتَّخَذُوا قُبُورَ أَنْبِيَائِهِمْ مَسَاجِدَ يُحَدِّثُونَ مَا صَنَعُوا - رواه البخاري -

'Ā'ishah (may Allah be pleased with her) reported: When the Prophet's sickness diminished, he would put his blanket over his face, and if he felt stuffy, he would remove it from his face and say: May the curse of Allah be upon the Jews and the Christians who have made the graves of their prophets into mosques and beware of what they do. (Al-Bukhārī, 1311).

In this regard, the verdict of the Hisbah Council of PERSIS, Bandung, 12 Sha'ban 1423 / October 19, 2002, in Lembang, stated that the commandment that contains an illat does not always indicate that it is obligatory; the issue of maintaining a beard and shaving a mustache is not free from illah; having a beard and maintaining a mustache are no longer characteristic of infidels: differentiating from disbelievers is obligatory; keeping the beard and trimming the moustache as a means of distinguishing from disbelievers is obligatory; and keeping the beard and trimming the moustache as a means of distinguishing from disbelievers is permissible.

### Hadith on Wearing the Veil

Regarding the law of veiling, Salafi scholars use the sadd al-dzari'ah method, because the face is a trigger for lust for men, and there are arguments to maintain jewelry (limbs) as well as arguments to lower the view, so Salafi scholars conclude that it is mandatory to wear a veil to avoid fitnah. Meanwhile, the PERSIS scholars in this issue use the Nash legal method, where the Sharih proposition explains that the face is not an aurat and the proposition to subdue the gaze does not mean that it is not permissible to look at the face of a ghair mahram woman, but it is forbidden to look with lust. With this, PERSIS scholars concluded that wearing the veil is just a culture in which law is not obligatory. Here is the explanation between the two,

#### Wearing the veil according to Salafi scholars

Salafi scholars have two views on the veil: one is obligatory and the other is sunnah muakkadah, based on the circumstances. However, as a rule, wearing veils is obligatory. The arguments presented are,

وَقُلْ لِلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَارِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا  
وَلْيَضْرِبْنَ بِخُمُرِهِنَّ عَلَىٰ جُيُوبِهِنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا لِبُعُولَتِهِنَّ أَوْ آبَائِهِنَّ أَوْ أَبْنَائِهِنَّ  
أَوْ إِخْوَانِهِنَّ أَوْ بَنِي إِخْوَانِهِنَّ أَوْ نِسَائِهِنَّ أَوْ مَا مَلَكَتْ أَيْمَانُهُنَّ أَوِ التَّابِعِينَ  
غَيْرِ أُولِي الإِرْتِبَاءِ مِنَ الرِّجَالِ أَوْ الْوَالِدِ الَّذِي لَمْ يَطْهَرُوا عَلَىٰ عَوْرَتِ النِّسَاءِ وَلَا يَضْرِبْنَ بِأَرْجُلِهِنَّ لَعَلَّ  
مَا يُخْفِينَ مِنْ زِينَتِهِنَّ وَتُوبُوا ۗ إِلَى اللَّهِ جَمِيعًا أَيُّهُ الْمُؤْمِنُونَ لَعَلَّكُمْ تُفْلِحُونَ.

Say to the believing women that they should guard their gaze and keep their private parts and should not show their adornments, except what is usually seen. Let them draw veils over their chests. Nor should they show their adornment except for their husbands, their fathers, their husbands' fathers, their sons, their husbands' sons, their brothers' sons, their sisters' sons, (fellow Muslim) women, their slave slaves, (old) male servants who have no desire (for women), or children who do not yet understand female form. Nor should they move their feet to make known the adornment that they conceal. Repent ye all to Allah O ye, who believes that ye may prosper (QS. An-Nur: 31).

وَالْقَوَاعِدُ مِنَ النِّسَاءِ الَّتِي لَا يَرْجُونَ نِكَاحًا فَلَيْسَ عَلَيْهِنَّ جُنَاحٌ أَنْ يَضَعْنَ ثِيَابَهُنَّ غَيْرَ مُتَبَرِّجَاتٍ  
بِزِينَتِهِنَّ وَأَنْ يَسْتَغْفِنَ خَيْرٌ لَّهُنَّ وَاللَّهُ سَمِيعٌ عَلِيمٌ

The older women who have ceased (from menstruation and childbearing) no longer desire to marry, there is no sin on them in taking off their outer garments<sup>525</sup>) with no intention of revealing their adornment. However, it is better for them to maintain their chastity (by keeping their outer garments). Allah is All-Hearing, All-Knowing. (QS. An-Nur: 60).

يَا أَيُّهَا النَّبِيُّ قُلْ لِّأَزْوَاجِكَ وَبَنَاتِكَ وَنِسَاءِ الْمُؤْمِنِينَ يُدْنِينَ عَلَمَنَّ مِنْ جَلَابِيهِنَّ ذَلِكَ أَدْنَىٰ أَنْ يُعْرَفْنَ  
فَلَا يُؤْذَنَ ۗ وَكَانَ اللَّهُ غَفُورًا رَّحِيمًا

O Prophet (Muhammad), say to your wives, your daughters, and the wives of believers that they should spread their headscarves over their entire bodies. That is, they may be more easily recognized, so that they may not be harassed. Allah was forgiving and merciful. (Al-Ahzab, 59).

This verse indicates that covering the face is a means of protecting private parts, so covering the face is obligatory, just like covering private parts. (Al-Uthaymeen, 2003). Ibn Mas'ud said about the jewelry that is usually seen from women (namely) clothes, because it cannot be hidden. This verse explains the obligation to cover the chest and neck; therefore, covering the face is more obligatory because the face is the center of attention. This verse also forbids stomping her feet because it feared that men may be tempted by the sound of bracelets or the sight of their feet. The feet are aurats, so the face is also an aurat because it can cause great harm to men. (Al-Uthaymeen, 2003).

لَمَّا نَزَلَتْ هَذِهِ الْآيَةُ ( وَلِيَضْرِبْنَ بِخُمُرِهِنَّ عَلَىٰ جُيُوبِهِنَّ ) أَخَذْنَ أُرْهُنَّ فَشَقَّقْنَهَا مِنْ قِبَلِ  
الْحَوَائِثِ فَاخْتَمَرْنَ بِهَا.

“May Allah have mercy on the first of the Muhajirin women, when this verse was revealed: “And let them cover their chests (and necks) with veils.” (Qs. An-Nūr: 31), they tore their blankets and covered themselves with them.” (Al-Bukhāri, 1311).

Ibn Hajar said: “The words: then they veiled themselves with it” mean that they covered their faces.” (Bakar, 2000).

In addition to being based on the text, Salafiyah scholars also believe in the agreement of scholars, including

Al-Qaadhy 'Iyyadh *rahimahullāh* said:

فهو فرض عليهن بلا خلاف في الوجه والكفين فلا يجوز لهن كشف ذلك

“Hijab is obligatory upon them (the wives of the Prophet (blessings and peace of Allah be upon him) on the face and palms, with no scholarly difference of opinion, so it is not permissible for them to uncover their faces and palms.” (Hajar, 2000).

Imamul Haramain al-Juwaini, he said:

مع اتفاق المسلمين على منع النساء من التبرج والسفور وترك التنقب

“...with the agreement of the Muslims to prohibit women from tabarruj and uncovering their faces and abandoning the veil.” (Al Juwaini, 2010).

As-Subki *rahimahullāh* said,

الأقرب إلى صنع الأصحاب: أن وجهها وكفيها عورة لا في الصلاة

“What is closer to the position of the Shafi'i scholars is that a woman's face and the palms of her hands are aurat when viewed, not in prayer.” (As quoted by Ash-Sharbini in Mughni al-Muhtaj Ilaa Ma'rafat Alfaazh al-Minhaaj 3/129)

The veil according to PERSIS

Persis scholars in their verdicts determined that the veil is not a form of commandment because the face is not an aurat. The limits of aurats for women are their entire body, except for the face and the palms of their hands. Based on the following information: The Prophet said to Asma,

يَا أَسْمَاءُ إِنَّ الْمَرْأَةَ إِذَا بَلَغَتْ الْمَجِيْضَ لَمْ تَصْلُحْ أَنْ يَرَى مِنْهَا إِلَّا هَذَا وَأَشَارَ إِلَى وَجْهِهِ وَكَفَيْهِ.

“O Asma, a woman, when she is old enough, should not be seen except this and this (as he gestured to his face and two hands).” (Dāwud, 2009).

In connection with Allah's words:

وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا

“And they should not reveal their adornment, except what is (ordinarily) apparent from it.” (QS. An-Nur: 31).

The phrase *Laa yubdiina zinaatunna* (let them not show their adornment) indicates that women are required to cover the zīnah in addition to their aurat. The zīnah in question is jewelry in the form of earrings, necklaces, bracelets and anklets as explained by Ibn Mas'ud. (Katsīr, 1999).

The meaning of *Maa zhahar minhaa* (what is normally visible from it) is the face and *al-Kaffu* (the palms of the hands), as Sa'id ibn Jubayr and Atha explained.

عَنْ سَعِيدِ بْنِ جُبَيْرٍ ، فِي قَوْلِهِ : {وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا} قَالَ : الْوَجْهُ وَالْكَفُّ.

Sa'id ibn Jubayr reported that Allah, the Almighty, said: “And let them not show their adornments except what is apparent.” He said, “Ordinary adornments are the face and the palms of the hands.” (Al-Thabarī, 2000).

عَنْ عَطَاءٍ قَالَ: كَفَّانِ وَالْوَجْهُ.

Atha RA reported that he said, “(except for what is [normally] visible thereof), the two palms and the face.” (Al-Thabarī, 2000).

If the face and *al-Kaffu* (the palms of the hands) were aurats, certainly for women in the ihram, these two kinds of limbs should not be visible. However, in reality, the Prophet prohibited women from wearing niqabs and gloves. As discussed in the following section,

قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَا تَلْبَسِ الْمَرْءَةُ الْمُحْرِمَةُ وَلَا تَلْبَسِ الْقَفَّازَيْنِ

The Prophet said, “Women in ihram should not wear a veil and two gloves.” (Al-Bukhāri, 1311).

This is corroborated by other traditions that indicate that covering the face and palms is not prescribed.

أَرَدَفَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْفَضْلَ بْنَ عَبَّاسٍ ... فَوَقَفَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لِلنَّاسِ يُفْتِيهِمْ وَأَقْبَلَتْ امْرَأَةٌ مِنْ خَثْعَمَ وَضِيئَةٌ تَسْتَفِي رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَطَفَّقَ الْفَضْلُ يَنْظُرُ إِلَيْهَا وَأَعْجَبَهُ حُسْمُهَا فَالْتَفَتَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَالْفَضْلُ يَنْظُرُ إِلَيْهَا فَأَخْلَفَ بِيَدِهِ فَأَخَذَ بِذَقَنِ الْفَضْلِ فَعَدَلَ وَجْهَهُ عَنِ النَّظَرِ إِلَيْهَا.

“The Messenger of Allah (saw) rode Al Fadhl bin Abbas ... then he stopped to give a fatwa to the people. A beautiful woman from the Khats'am tribe came to ask the Messenger of Allah for a fatwa. Al Fadhl began to look at her, and her beauty amazed him. The Prophet then turned his head away, but Al Fadhl kept looking at her. So the Prophet (peace and blessings of Allah be upon him) put his hand back and held her chin, then turned her face away from him...” (Al-Bukhāri, 1311; Muslim, 2009).

أَنَّ امْرَأَةً جَاءَتْ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَتْ يَا رَسُولَ اللَّهِ جِئْتُ لِأَهَبَ لَكَ نَفْسِي فَتَنْظَرَ إِلَيْهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَصَعَدَ النَّظَرَ إِلَيْهَا وَصَوَّبَهُ ثُمَّ طَأَطَأَ رَأْسَهُ...

“That a woman came to the Messenger of Allah and said, “O Messenger of Allah, I have come to give myself to you.” The Messenger of Allah saw her and raised and lowered his gaze at her. Then he lowered his head....” (Al-Bukhāri, 1311; Muslim, 2009).

Judging from its history and use, the veil is only a tradition on the Arabian Peninsula, and Azami even occurred during the jahiliyah era. (Sudirman, 2019). Based on this explanation, PERSIS scholars determined that women's faces and palms were not included in the aurat and were not prescribed for women to wear the veil. Click or tap here to enter text.

### *Hadith of Playing Music and Listening to Music*

Determining the law of playing music, Salafi scholars used the muqarran method, which compares and equates music with khamr in terms of its prohibition, as the Prophet said. Salafi Ulama argued that playing music was haram. Meanwhile, PERSIS scholars in responding to this use the tashrīh method, where the hadiths about the prohibition of playing music are not sharīh so that they cannot be used as proof, because there is also *dalalah* literwhere music was played by people and the Prophet did not prohibit it. Thus, PERSIS scholars determined that playing music is permissible (not *haram*).

### *Music According to Salafi Scholars*

Salafi scholars explicitly forbid music, based on several narrations that explicitly forbid music.

لَيَكُونَنَّ مِنْ أُمَّتِي أَقْوَامٌ يَسْتَجِلُّونَ الْجِرَ ، وَالْحَرِيرَ ، وَالْخَمْرَ وَالْمَعَارِفَ. وَلَيَبْتَزِلَنَّ أَقْوَامٌ إِلَى جَنْبِ عِلْمٍ يَرُوحُ عَلَيْهِمْ بِسَارِحَةٍ لَهُمْ ، يَأْتِيهِمْ -يَعْنِي الْفَقِيرَ- لِحَاجَةٍ فَيَقُولُونَ : ارْجِعْ إِلَيْنَا غَدًا ، فَيَبْبِئْتُهُمُ اللَّهُ وَيَضَعُ الْعِلْمَ وَيَمْسُخُ آخِرِينَ قِرْدَةً وَخَنَازِيرَ إِلَى يَوْمِ الْقِيَامَةِ.

Indeed, there will be among my Ummah a group of people who legalize sexual intercourse, silk, khamr (alcohol), and musical instruments. And some groups of people will indeed stop on the slopes of a mountain with their livestock, then someone will come to them - i.e. the poor - for a need, then they will say, 'Come back to us tomorrow.' Allâh will then bring torment upon them, and a mountain will fall upon them, and Allâh will turn some of them into apes and swine until the Day of Resurrection. (Al-Bukhāri, 1311; Hajar, 2000).

Hadīth indicates that alcohol and musical instruments were prohibited. The Prophet (peace and blessings of Allaah be upon him) said: “*Yastahillûna* (They consider them lawful).”

From this statement, it is clear that everything mentioned in Hadīth was forbidden according to Share' ah. Among the things mentioned in the Hadīth are musical instruments, which were later legalized by a group of people. The prohibition of music is accompanied by something that is definitely forbidden, namely, zina and khamr. If musical instruments were not forbidden, they would not be accompanied by mention of adultery and alcohol.

The use of musical instruments is a custom for believers. Allâh says:

لَا يُؤْمِنُونَ بِاللَّهِ وَلَا بِالْيَوْمِ الْآخِرِ وَلَا يُحَرِّمُونَ مَا حَرَّمَ اللَّهُ وَرَسُولُهُ وَلَا يَدِينُونَ دِينَ الْحَقِّ.

“ Those who do not believe in Allâh and the Last Day, those who do not forbid what Allâh and His Messenger have forbidden, and those who do not follow the true religion (the religion of Allâh)...” (at-Taubah/9:29).

Muslims should not imitate them, especially in things that Allâh forbidden us with a general prohibition, such as music.

It is narrated that 'Abdullah ibn 'Umar (d. 73 AH) passed by a group of people who were performing ihrâm, and one of them was singing, so he said, Remember, may Allâh not listen to you’.” (al-Shāfi'ī, 2003).

'Abdullah ibn 'Abbâs (Radhiyallahu anhum) said: “The tambourine is forbidden, *al-ma'âzif* (musical instruments) are forbidden, *al-kûbah* (drums and the like) are forbidden, and the flute is forbidden.” (Al-Baihaqī, 2003; Al-Hākīm, 1990)

### Music according to the scholars of PERSIS

The verdict of the PERSIS Hisbah Council has stated that the law of music is not haram because music is basically a secondary matter or mu'amalah. Music is part of culture and the development of human culture. Therefore, music is a mu'amalah matter whose ruling is permissible, and will remain permissible unless there is a sharih text that forbids it. Indeed, there are opinions that state that music is makrooh, and

some even state that it is forbidden. However, it is unfortunate that these opinions were not based on sound and clear evidence. Therefore, we return to the initial rule of Prophet, as follows:

عَنْ أَبِي ثَعْلَبَةَ الْحَشْنِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِنَّ اللَّهَ حَدَّ حُدُودًا فَلَا تَعْتَدُوهَا وَفَرَضَ لَكُمْ فَرَائِضَ فَلَا تُضَيِّعُوهَا وَحَرَّمَ أَشْيَاءَ. فَلَا تَنْتَهِكُوهَا وَتَرَكَ أَشْيَاءَ مِنْ غَيْرِ نَسْيَانٍ مِنْ رَبِّكُمْ وَلَكِنْ رَحْمَةً مِنْهُ لَكُمْ فَاقْبَلُوهَا وَلَا تَبْحَثُوا فِيهَا.

Abu Tsa'labah Al-Khasyni r.a. reported that the Prophet said: “Verily, Allah has set limits so do not transgress them, has set obligations so do not omit them, has forbidden some things so do not do them, and has left many things (not forbidden) not because Allah has forgotten them, but because He loves you, so accept them and do not make much of them.” (Al-Hākim, 1990).

Many similar hadiths have been narrated, but the point is that Allah, the Almighty, has clearly and unequivocally defined what is forbidden without ambiguity. Therefore, worldly things, including musical instruments, playing music, and listening to music, are not prohibited by explicit evidence. So, what is left unprohibited is not because Allah has forgotten; rather, it indicates that it is permissible. It has been said that the Prophet (peace and blessings of Allaah be upon him) ordered his companions to play music:

عَنْ خَالِدِ بْنِ ذَكْوَانَ قَالَ: قَالَتِ الرَّبِيعَةُ بِنْتُ مُعَوِّذِ بْنِ عَفْرَاءَ جَاءَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَدَخَلَ حِينَ بُنِيَ عَلَيَّ فَجَلَسَ عَلَيَّ فِرَاشِي كَمَا جَلَسَ مِنِّي فَجَعَلَتْ جُوزِيْرَاتٍ لَنَا يَضْرِبْنَ بِالْأُفْرِ...

Khalid ibn Dzakwan reported that Ar-Rabi' bint Mu'awwidz ibn 'Afra said: “The Prophet came and met me at my wedding. So, he sat on my bed, as you sat on mine. Then some little girls began to play musical instruments...” (Al-Bukhāri, 1311).

عَنْ عُرْوَةَ أَنَّهَا حَدَّثَتْ أَنَّ عَائِشَةَ حَدَّثَتْهُ: أَنَّ أَبَا بَكْرٍ الصِّدِّيقَ دَخَلَ عَلَيْهَا وَعِنْدَهَا جَارِيَتَانِ تَضْرِبَانِ بِالْأُفْرِ وَتَغْنِيَانِ وَرَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مُسَجَّى بِثَوْبِهِ وَقَالَ مَرَّ أُخْرَى مُتَسَجِّجًا ۖ تَوْبَهُ فَكَشَفَ عَنْ وَجْهِهِ فَقَالَ دَعُمَا يَا أَبَا بَكْرٍ إِنَّهَا أَيَّامٌ عِيدٍ وَهِنَّ أَيَّامٌ مِنِّي وَرَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَوْمَئِذٍ بِالْمَدِينَةِ.

Urwah reported that 'Ā'ishah told him about Abu Bakr Ash-Shiddiq coming to see her and at that time two girls were playing music and singing near him, while the Messenger of Allah (peace and blessings of Allaah be upon him) was wrapped in his clothes with his face uncovered. He said: “Let it be, O Abu Bakr, this is a feast day and one of the days of Mina, and the Messenger of Allah was in Medina on that day.” (Al-Nasāi, 2001).

عَنْ عَائِشَةَ قَالَتْ: رَأَيْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَسْتُرُنِي بِرِدَائِهِ وَأَنَا أَنْظُرُ إِلَى الْحَبَشَةِ يَلْعَبُونَ فِي الْمَسْجِدِ حَتَّى أَكُونَ أَنَا أَسَامُ فَاقْدِرُوا قَدْرَ الْجَارِيَةِ الْحَدِيثَةِ السِّنِّ الْحِيصَةِ عَلَى اللَّهِ

'Aisha reported that she said: “I saw the Messenger of Allah blocking me with his garment while I looked at the people of Habashah, they were playing in the mosque



until I got tired of it. They made me the age of a little girl who still loves to play.” (Al-Nasāī, 2001).

Thus, making musical instruments, playing music, and listening to music is permissible. The Prophet (peace and blessings of Allaah be upon him) ordered the playing of the duf-duf at the wedding banquet, which is a kind of musical instrument, and told the little girls to sing and dance for the festivities after the 'Idea' had been performed. Click or tap to enter text.

### 3. Discussion

#### *Comparison of Istinbath Methodologies: Salafiyah Textual Approach vs. PERSIS Contextual Approach*

The methodology of legal deduction adopted by Salafi scholars and scholars of the Islamic Union (PERSIS) shows fundamental differences in their approach to hadith, which has direct implications for the outcome of legal determination. Salafi scholars who emphasize the textual approach tend to understand hadith in a textual manner. They often ignore the context of revelation (*asbab al-wurud*) and the purpose of the *Shari'ah* (maqasid al-shariah) in legal interpretation. This approach is rooted in the theology of Ahmad ibn Hanbal and the legacy of Ibn Taymiyyah, who viewed sharia as fixed and unchangeable by social conditions or modern innovations, which they regarded as heresy (Daud, 2023; Setyawan & Nugroho, 2021). The emphasis on the firmness of Tawhid and the rejection of figurative language reinforces the Salafi pattern of understanding, which often results in a narrow view of innovations that develop outside the primary text (Murdan, 2016).

For example, in the case of the prohibition of the *isbal* (lowering clothes below the ankles), Salafi scholars such as Nasiruddin al-Albani assert the prohibition as an absolute commandment, without considering the aspect of pride, which is the background of the *asbab al-wurud* of the related hadith (Sholeh, 2023). This approach, which focuses only on the text without considering the context, shows the persistence of textualist methods that lead to a rigid and conservative understanding of the law.

On the other hand, PERSIS adopts a more contextual approach. They emphasize the importance of not only looking at the validity of the hadith but also ensuring that the hadith is *sharih* (clear) in its meaning and relevant in certain social conditions. In PERSIS's view, if a tradition is considered sahih but lacks clarity of meaning, it cannot be used as a strong legal basis (Sukardi, 2017). This approach considers *maqasid al-shariah* and social developments in determining the law, thus providing more room for legal interpretations that are in accordance with the context of modern times (Icha, 2022).

In the context of the development of modern society, the PERSIS approach is considered more adaptive because it considers changing social dynamics. In contrast, the Salafi approach, especially in the contemporary neo-Salafi sphere, remains tied to

a textual understanding that often rejects innovation (Darna 2021). These methodological differences have significant implications for determining laws in society. PERSIS's contextual approach allows for more flexible *ijtihad* relevant to contemporary challenges, such as economic, social, and political issues not covered by classical texts (Madaniah & Rohmah, 2022). On the other hand, Salafis emphasize the stability and continuity of legal traditions that are not easily affected by changing times, although this approach is often considered unresponsive to the demands of modernity (Azhari, 2020).

### *The Effect of Methodological Differences on Legal Inference*

The different methodologies applied by Salafiyah and Persatuan Islam (PERSIS) in *istinbath* hadith-based law have a significant impact on the application of law in contemporary issues. Salafiyah, which prioritizes the textual approach, tends to provide strict legal interpretation. In the context of *isbal*, for example, Salafiyah scholars consider the act of lowering clothes below the ankles as absolutely forbidden, without considering the context of pride that may accompany it (Setyawan & Nugroho, 2021; Murdan, 2016). This approach is supported by a textual understanding of the hadith that emphasizes the explicit prohibition of the *isbal* (Murdan, 2016). In contrast, PERSIS scholars see the *isbal* as forbidden only when accompanied by pride, emphasizing the context and intent of the hadith (Daud, 2023).

In terms of maintaining the beard, the Salafiyah approach is also more textual, where they consider maintaining the beard as an obligation based on traditions that mention the command to allow the beard to grow (Sukardi, 2017). On the other hand, PERSIS interprets this command as a recommendation that is relevant in the social context of Prophet Muhammad's time but is no longer an obligation in modern societies with different social conditions (Sholeh, 2023). Similarly, in terms of the veil, Salafiyah scholars often emphasize the obligation based on a strict textual approach, in which the veil is considered an obligation for Muslim women to fully cover the *aurat*, including the face (Sukardi, 2017). In contrast, PERSIS sees the veil as part of the Arab culture of the time, and in a modern context, the face and palms are not *aurats* that must be covered (Sholeh, 2023).

These different approaches indicate the existence of two spectrums in hadith-based legal *istinbath* methodology: the Salafiyah textualist approach, which emphasizes the need to follow the text textually, and the PERSIS contextualist approach, which considers social aspects and context in the application of the law. As a result, the application of Islamic law in modern society is often influenced by the methodologies employed by scholars in each of these schools (Icha, 2022).

The implications of these approaches are profound for the development of Islamic law, especially in the face of contemporary challenges. Salafiyah, with its more conservative approach, is often considered less responsive to social change and the

times because of the tendency to see Islamic law as something static and unable to change along with changes in context (Setyawan & Nugroho, 2021). In contrast, PERSIS's more flexible and contextual approach allows for the development of Islamic law that is more adaptive and relevant in facing modern challenges (Sholeh, 2023; Icha, 2022).

For example, regarding the use of modern technology and innovation, Salafiyah scholars are often cautious or even reject new technology if it is not explicitly mentioned in the Qur'an or hadith. However, PERSIS tends to be more open to the use of modern technology if it does not contradict the basic principles of sharia (Sukardi, 2017). Thus, these methodological differences not only affect legal interpretations of certain issues but also have implications for how Islamic law can adapt and be relevant in the context of a changing society.

### *The Relevance of Salafiyah and PERSIS Methodologies in the Context of Islamic Law*

In the context of modern Islamic law, the relevance of methodologies adopted by Salafiyah and Persatuan Islam (PERSIS) has often been the subject of debate among Islamic jurists and academics. The textual approach adopted by *Salafiyah* scholars has strong value in terms of strict adherence to the classical texts of Sharia. It emphasizes the importance of understanding texts textually and without interpretations that deviate from the explicit meanings found in the Qur'an and hadith. In some situations, this provides clarity and decisiveness in determining the law, especially in the context of a society that prioritizes absolute adherence to classical Islamic law (Nugroho 2021; Sukardi 2017).

The merit of the Salafiyah approach lies in its ability to maintain the authenticity of Sharia law and to avoid interpretations that could be considered potentially misleading. In issues that require clear boundaries, such as the prohibition of Islamic and beard maintenance, this textual approach provides a standard that cannot be debated, making it easier to apply and adhere to a society that emphasizes textuality in understanding Islamic teachings (Daud, 2023; Icha, 2022). However, the textual approach is often considered inflexible in the face of social development and contemporary challenges. The challenges of globalization, modernization, and technological advances that change the patterns of people's lives require a legal approach that is more adaptive and responsive to these changes. The limitations of the textual approach become clearer when dealing with contemporary issues that are not explicitly regulated in the Qur'an or hadith, such as modern bioethics, information technology, and environmental issues (Murdan, 2016; Sholeh, 2023).

By contrast, the contextual methodology adopted by PERSIS offers a more adaptive approach to understanding Sharia. PERSIS not only relies on the textual validity of the hadith text but also pays attention to *maqasid al-shariah* (the objectives

of the sharia) and *asbab al-wurud* (the historical context of the hadith's revelation) in the process of legal interpretation. This approach focuses on the goal of Sharia, namely, the benefit of the people, which allows Islamic law to remain relevant and dynamic amid social and cultural changes (Darna, 2021; Madaniah & Rohmah, 2022).

In practice, PERSIS' contextual methodology is more relevant in situations in which social, cultural, and historical factors play an important role in legal decision-making. For example, regarding the issue of beard maintenance and the use of the veil, PERSIS does not necessarily view it as an absolute obligation. PERSIS understands that the social and cultural context at the time of the Prophet Muhammad was different from the conditions of modern society. Therefore, according to PERSIS, the law does not have to be maintained in its textual form if it is no longer relevant to the modern social context (Icha, 2022; Azhari, 2020). This flexibility allows Islamic law to develop without losing the essence of sharia itself.

Furthermore, the PERSIS methodology can be applied to contemporary issues that are not explicitly regulated in classical texts. For example, in facing modern challenges, such as ethical issues in medicine, reproductive technology, and environmental protection, the PERSIS contextual approach can provide more adaptive and relevant solutions by considering *maqasid al-shariah* (Sukardi, 2017; Sholeh, 2023). This allows Islamic law to remain relevant during changing times, so that Muslims can continue to implement sharia comprehensively.

#### 4. Conclusion

This article concludes that Salafiyah and PERSIS employ fundamentally different methodologies in hadith-based legal interpretation. Salafiyah scholars adhere to a textual (textual) approach, emphasizing the validity and direct application of hadith texts. They often overlook the social context and *maqasid al-shariah* (the higher objectives of Islamic law), viewing Islamic law as unchanging and absolute. In issues such as *isbal* (lowering garments below the ankles), maintaining beards, and wearing the veil, Salafiyah scholars adopt a strict and uncompromising stance, deeming idioms as idioms, shaving the beard, and not wearing the veil as entirely prohibited.

In contrast, PERSIS adopts a more contextual approach. They not only focus on the validity of the hadith but also consider its clarity and relevance in the modern social context. This approach allows for greater flexibility in applying Islamic law, making it more adaptable to contemporary needs. For example, PERSIS scholars regard *isbal* as prohibited only when associated with arrogance, see beard maintenance as a recommendation that is no longer relevant in modern society, and treat the veil as a cultural practice rather than a Shariah obligation.

This divergence makes the Salafiyah methodology more conservative and less responsive to social changes, while the PERSIS methodology is more adaptive and responsive to contemporary challenges. The main conclusion of this article is that these

differing methodologies have significant implications for the development and application of Islamic law in today's society.

## Bibliography

- 'Abdan, M. ibn A. ibn. (2019). *Al-'Uqūd Al-Durriyah*, (Vol. 1; Alī ibn Muhammad al-'Imrān, Ed.). Beirut-Libanon: Dār ibn Hazm.
- Ahmad, A. 'Abdillah A. ibn H. (2001). *Musnad Al-Imām Ahmad Ibn Hanbal*. Mesir: Muassasah al-Risālah.
- Al juwaini, H. A. M. (2010). *Nihayatul Mathlab Fi Diroyatil Madzhab* (Vol. 12; Muhammad Ustman, Ed.). Beirut-Libanon: Dār Kutub al-'Alamiyah.
- Al-Albānī, M. N. (2003). *Al-Ta'liqāt Al-Hisān Shahīh Ibn Hibbān*. Jiddah: Dār Bāwazīr.
- Al-Baihaqī, A. B. (2003). *Sunan Al-Kubrā Al-Baihaqī*. Beirut-Libanon: Dār al-Kutub al-'Alamiyah.
- Al-Bukhārī, M. ibn I. (1311). *Shahīh Al-Bukhārī*. Mesir: Al-Sulthāniyah.
- Al-Fadhl, A., & Ibn Mukrim, J. (1414). *Lisanul 'Arob* (Vol. 11). Beirut: Dār al-Dakwah.
- Al-Hākīm, A. 'Abdillah al-H. (1990). *Al-Mustadrak 'alā Shahīhaīn* (Musthafā', Ed.). Beirut-Libanon: Dār al-Kutub al-'Alamiyah.
- Al-Jauziyyah, I. Q. (1996). *I'lām al-Muwaqqi'in* (Vol. 1). Beirut-Lebanon: Dār al-Kutub al-'Ilmiyyah.
- Al-Juraisy, K. (2016). *Al-Fatawa Asy-Syar'iyyah Fi Al-Masa'il Al-Ashriyyah Min Fatawa Ulama Al-Balad Al-Haram* (Musthofa Aini et al Ed.). Jakarta: Darul Haq.
- Al-Nasāī, A. 'Abd al-R. A. ibn S. ibn 'Alī al-K. (2001). *Sunan Al-Kubrā Al-Nasāī*. Beirut-Libanon: Muassasah al-Risālah.
- Al-Qaṭṭān, A. al-H. 'Ali ibn. (2011). *Al-Iqnā' Fī Masā'il Al-Ijmā'* (Vol. 2). Jiddah: al-Dār al-Basyariyyah.
- al-Syāfi'ī, A. al-Q. 'Alī ibn al-H. (2003). *Dzammul Malāhi*. Beirut-Libanon: Dār al-Basyāir al-Islāmiyyah.
- Al-Syāfi'ī, ibn J. M. ahmad al-M. (2003). *Syarh Al-Waraqāt Fī Ushūl Al-Fiqh*. Riyadh: Maktabah Nazār Mushaffa al-Bāz.
- Al-Syaukānī, M. ibn 'Alī. (1993). *Nail Al-Auṭār* (Vol. 2). Mesir: Dār al-Hadis.
- Al-Thabarī, A. J. (2000). *Tafsīr Al-Thabarī, Jāmi' Al-Bayān* (Ahmad Muha, Ed.). Beirut-Libanon: Muassasah al-Risālah.
- Al-Tirmidzy, A. I. (1994). *Sunan Al-Tirmidzy* (Vol. 3). Beirut: Dār al-Fikr.
- al-Umari, A. D. (n.d.). *Al-Shahīhah* (Vol. 6).
- Al-Utsaimin, M. ibn S. (2003). *Risalah Al-Hijab*. Saudi Arabia: Dār al-Qāsim.
- Anas, I. M. (1998). *Al-Muwaṭṭha*. Beirut-Libanon: Dār al-Fikr.
- Azhari, M. (2020). Moderasi islam dalam dimensi berbangsa, bernegara dan beragama perspektif maqashid asy-syari'ah. *Jurnal Intelektual Jurnal Pendidikan dan Studi*

- Keislaman, 10(1), 27-45. <https://doi.org/10.33367/ji.v10i1.1089>
- Bakar, A. Z. bin. (2000). *Hirasah Al-Fadhilah*. Saudi Arabia: Dār al'Ashimah.
- Bakker, A., & Zubair, A. C. (2024). *Metodologi Penelitian Filsafat*. (19th ed.). Yogyakarta: Penerbit PT. Kanisius.
- Darna, A. (2021). Perkembangan hukum islam di indonesia: konsep fiqh sosial dan implementasinya dalam hukum keluarga. *El-Usrah Jurnal Hukum Keluarga*, 4(1), 90. <https://doi.org/10.22373/ujhk.v4i1.8780>
- Daud, Z. (2023). 'illat dalam penalaran ta'libi sebagai metode istinbat hukum. *JEW*, 1(1), 1-18. <https://doi.org/10.61693/elwasathy.vol11.2023.1-18>
- Dāwud, S. ibn al-A. al-S. A. (2009). *Sunan Abu Dāwud*. Beirut-Libanon: Dār al-Fikr.
- Dewan Hisbah PERSIS. (2019). *Masalah Seputar Shalat & Cadar* - Buku Dewan Hisbah. Bandung: PERSIS Pers.
- Dewan Hisbah, & Tim Asatidzah PERSIS. (2017). *Majalah Risalah Persatuan Islam*. Bandung: PERSIS Pers.
- Esposito, J. (2015). *The Oxford Dictionary of Islam*. Oxford: Oxford University Press.
- Fathoni, R. S. (2018, February 22 2018). Sejarah Persatuan Islam (Persis) Tahun 1923-1983. Retrieved September 15, 2024, from Wawasan Sejarah website: <https://wawasansejarah.com/sejarah-persatuan-islam-persis/>
- Hajar, I. (2000). *Fath Al-Bārī; Bi Al-Syarh Shahih Al-Bukhārī* (Vol. 10). Riyadh: Dar al-Salām.
- Harahap, S. (2001). *Studi Tokoh dalam Bidang Pemikiran Islam*. Medan: Istiqamah Mulya Press.
- Hazm, A. M. A. ibn A. I. (2012). *Marātib Al-Ijma' Fī Al-'Ibādāt Wa Al-Mu'āmalāt Wa Al-'I'tiqādāt*. Beirut-Libanon: Dār al-Kutub al-'Alamiyah.
- Icha, C. (2022). Sejarah pengharaman hukum khamr dalam islam melalui pendekatan historis. *Maddika*, 2(2), 1-12. <https://doi.org/10.24256/maddika.v2i2.2398>
- Katsīr, A. al-F. I. (1999). *Tafsīr Al-Qurān Al-'Azhīm*. Riyadh: Dār Thayyibah li al-Nasyr wa al-Tauzī
- Laher, S. (2021). *Salafism and tionalism: Scholarly Authority in Modern Islam*. Cambridge: Cambridge University Press.
- Lauzière, H. (2010). The Construction of Salafiyya: Reconsidering Salafism from Conceptual History. *International Journal of Middle East Studies*, 42(3), 369-389.
- Madaniah, A. and Rohmah, S. (2022). Hubungan islam dan negara dalam negara hukum: analisis pemikiran moh. mahfud md. *Salam Jurnal Sosial Dan Budaya Syar I*, 9(1), 285-302. <https://doi.org/10.15408/sjsbs.v9i1.24789>
- Mājah, A. 'Abdillāh M. ibn Y. ibn 'Abdullah I. (1999). *Sunan Ibn Mājah*. Beirut-Libanon: Dār al-Fikr.
- Muhamad 'Abd al-Rahmān ibn. (2012). *Ishūl Al-Ahkām* (Vol. 1). Riyadh: Dār al-Kutub al-'Alamiyah.
- Murdan(2016). Hukum islam dalam kerangka sistem hukum masyarakat modern. *Petita Jurnal Kajian Ilmu Hukum dan Syariah*, 1(1).

<https://doi.org/10.22373/petita.v1i1.76>

Muslim. (2009). *Shahīh Muslim*. Beirut-Libanon: Dār al-Fikr.

Noor, U. M. (2017). *Metode Kritik Hadis Aliran Salafi dan Sufi Modern: Satu Analisis Perbandingan*. Proceedings of the 4th International Conference on Arabic Studies and Islamic Civilization.

Paraga, A. W. N., et al. (2024). Pemikiran Hukum Islam Salafi-Wahabi dalam Pandangan Ulama Fikih Empat Mazhab. *El-Faqih Journal*.

Rahmatullah, A. S. & Azhar, M. (2022). Pendidikan Sadar Diri “No Smoking” Bagi Santri di Pondok Pesantren Salafiyah. *Selaparang: Jurnal Pengabdian Masyarakat Berkemajuan*, 6(2), 956–966.

Setyawan, D. and Nugroho, D. (2021). Socio-religious construction: religious tolerance among Salafi Muslims and Christians in the metro. *Dialog*, 44(2), 190-203. <https://doi.org/10.47655/dialog.v44i2.479>

Sholeh, M. (2023). Relevansi dan tantangan implementasi hukum islam dalam konteks sosial masyarakat modern. *As-Salam Jurnal Studi Hukum Islam & Pendidikan*, 12(1), 21-57. <https://doi.org/10.51226/assalam.v12i1.484>

Sudirman, Muh. (2019). Cadar Bagi Wanita Muslimah (Suatu Kajian Perspektif Sejarah). *DIKTUM: Jurnal Syariah Dan Hukum*, 17(1), 49–64.

Sukardi, D. (2017). Perlindungan hukum terhadap anak korban kejahatan seksual dalam perspektif hukum positif dan islam. *Mahkamah Jurnal Kajian Hukum Islam*, 2(1). <https://doi.org/10.24235/mahkamah.v2i1.1665>



© 2020 by the authors. Submitted for possible open access publication under the terms and conditions of the Creative Commons Attribution (CC BY SA) license (<https://creativecommons.org/licenses/by-sa/3.0/>).