

## Implementation of Hadith Contextual Approach in Legal Istinbath

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**Abstract.** This research was conducted because mistakes often occur in taking legal istinbath when understanding a hadith. This study discusses how the legal istinbath of a hadith takes into account the socio-cultural conditions to whom the hadith is conveyed. This research uses the maktabiyah study method, in other words, to explore information that refers to books or literacy related to the discussion. The results of this research show that a law that will be implemented, must be considered not only textually but also contextually. A hadith sometimes applies permanently and continuously, and can change dynamically. The law depends on a certain 'illat, if the 'illat is lost, then the law will also disappear, and vice versa. This study explains that understanding the social background and the place in which a hadith appears is important, because it can prevent the meaning of a hadith from being mixed up with personal prejudices or things that come out of the zahir meaning of a text.

**Keywords:** istinbath; implementation; contextual

### Introduction

Hadith is the second source in Islamic teachings so that discussion of hadith is important to discuss. One of the functions of the hadith is as an explanation of the Al-Qur'an which is still global in nature and

absolute so that it is always felt necessary to study it further in understanding it.<sup>1</sup>

In understanding the hadith, there are often mistakes and confusion by religious leaders or preachers when determining the law in a hadith. This error and confusion occurs due to understanding the hadith which stops at the text only. Understanding a hadith is not enough just to look at the text of the hadith, but must look at the context. There are things that need to be reviewed and paid attention to such as looking back at the historical context, as well as to whom the hadith was delivered, in the socio-cultural conditions when the hadith was delivered. Without paying attention to the historical context, a person will experience difficulties in capturing and understanding the meaning of a hadith, and he may even fall into a wrong understanding.<sup>2</sup>

At one time a hadith is more appropriate if it is understood textually, while another hadith is more appropriate if it is understood contextually. Understanding and applying the hadith textually is carried out if the hadith in question has been connected with matters relating to it, such as the background of the incident, but still requires understanding in accordance with what is written in the text of the hadith in question. Contextual understanding and application of hadith is carried out when "behind" the text of a hadith, there are strong indications that require that hadith be understood and applied not in the way its textual meaning is.<sup>3</sup>

Before this research was made, of course there had been research that had previously examined it. Among them is research written by Dayan Fithoroini with the title "Textual and Contextual Analysis of Islamic Syuhudi Thought of the Prophet"

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<sup>1</sup> Asep Herdi, *Understanding Hadith Science, Contemplation* (Bandung: Tafakur, 2014).

<sup>2</sup> Said Agil Husin Munawwar and Abdul Mustaqim, *Asbāb Al-Wurūd Critical Study of the Prophet's Hadith with a Socio-Historical-Contextual Approach* (Yogyakarta: Student Library, 2001).

<sup>3</sup> M.Syuhudi Ismail, *The Textual and Contextual Hadith of the Prophet* (Jakarta: Bulan Bintang, nd).

This study came to the conclusion that in understanding a hadith, one can understand it textually and at other times it can be understood contextually. Syuhudi Ismail uses a hermeneutic approach which is clarified by analyzing the contexts, and in analyzing the context of hadith, he is influenced by the thoughts of two hadith figures including Imam Syihabuddin al-Qarafi and Shah Waliyullah al-Dahlawi.<sup>4</sup>

Furthermore, a similar research was also written by Muktakdir and friends with the title "AL-MAS'UL AN RAI'YYA H IN THE HADITHS OF THE PROPHET MUHAMMAD SAW (study of textual and contextual interpretation)".

This research comes to analyzing the meaning of al-mas'ul an ra'iyah contained in the hadith of the prophet. After conducting a search, the author found 4 terms, namely khilafah, imam, Ulil Amri, and sultan. By tracing the hadiths contained in shohih Bukhari and then interpreting them textually and contextually.<sup>5</sup>

The two studies above have similarities with this paper which discusses contextual hadiths in understanding the hadiths of the Prophet Muhammadiyah shalallahu alaihi wassalam. However, the first research focuses on discussing hadith textually and contextually by analyzing the understanding of a figure. Meanwhile, the second research interprets the prophet's traditions textually and contextually, which has a narrower discussion, discussing the meaning of leadership. This paper discusses and explains how to take the law in a hadith by taking into account the social background and circumstances of the audience when they received this hadith from the Prophet. Shallallahu alaihi wassalam by paying attention to several religious leaders who use several approaches in understanding hadiths.

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<sup>4</sup> Dayan Fithoroini, "Textual and Contextual Prophetic Hadith (Analysis of Muhammad Syuhudi Ismail's Thought)," *Journal of Hadith Studies* 2 (1) (2021).

<sup>5</sup> Muhammad Mutakdir and Muhammad Mahmuddin, "AL-MAS'UL'AN RA'IYYAH IN THE HADITHS OF THE PROPHET SAW (Textual and Contextual Interpretation Studies)," *Student Scientific Journal Raushan Fikr* 9 (1) (2020).

This research is a quantitative research using literature review research methods. This research contains data taken from books, classic books, articles in the form of journals related to the theme.

## **Discussion**

To understand a hadith one must be equipped with knowledge of language, information about the atmosphere related to the emergence of a hadith and also the socio-cultural background at that time, in order to provide a correct and accurate understanding.<sup>6</sup>

Several scholars have devised a method of understanding the Prophet's hadith, which is associated with social sciences, for example Syuhudi Ismail, a scholar of hadith from Indonesia. According to him, to find out the dichotomy between textual and contextual hadiths, one must pay attention to the following matters, first, the linguistic aspects of the hadith matan and the scope of the instructions, which can be in the form of *jawāmi' al-kalim* (short but full of meaning statements), language *tamšīl*, symbolic expressions, conversational language, and analogous expressions; second, the function and position of the Prophet Muhammad; third, the historical background of the emergence of a hadith, which includes several characters, namely hadiths that do not have a special cause, hadiths that have a special cause, and hadiths related to current (developing) conditions; and fourth,<sup>7</sup>

Also, the approaches offered by observers of hadith studies are quite diverse, for example Nizar Ali who offers several approaches in understanding hadith. First, the language approach, which is an approach that is taken when in a matan there are aspects of the beauty of language (*balaghah*), which allow it to contain a metaphorical meaning (*majazi*), so that it is different from the true meaning. Second, the historical approach, which is an approach by paying attention to and studying historical situations or events related to the background of the emergence of hadiths. Third, the sociological approach, which is an

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<sup>6</sup> Muh Zuhri, *Matan Hadith Studies An Offer Methodology* (Yogyakarta: Lesfi, nd).

<sup>7</sup> Ismail, *Textual and Contextual Prophetic Hadith*.

approach that pays attention to and examines its relation to the conditions and situation of society at the time the hadith appeared. Fourth, the socio-historical approach, namely the approach by looking at social history and social settings at the time and before the hadith was said. Fifth, the anthropological approach, which is an approach by looking at the forms of religious practices that grow and develop in society, traditions and culture that develop in the society faced by the Prophet when the hadith was spoken. Sixth, the psychological approach, which is an approach that takes into account the psychological conditions of the Prophet and the people that the Prophet faced when the hadith was spoken.<sup>8</sup>

Meanwhile, sheikh Yūsuf al-Qaraḍāwy explained that there are eight steps in carrying out these basic principles. First, understand the hadith according to the instructions of the Koran. Second, collect the hadiths with the same theme. Third, compromise or tarjih against contradictory hadiths. Fourth, understand the hadith in accordance with the background, situation and condition and its purpose. Fifth, distinguish between changing Means and fixed ends. Sixth, distinguishing between the essence and the expression. Seventh, distinguish between the unseen and the real. Eighth, ascertain the meaning of the terms used by the hadith.<sup>9</sup>

It is possible that a certain hadith is more accurately understood textually, while certain other hadiths are more correctly understood implicitly (contextually). Without paying attention to this, one will have difficulty understanding the meaning of a hadith, and may fall into erroneous understanding.

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<sup>8</sup> Nizar Ali, "Contribution of Imam Nawawi in Research on Syarh Hadith: Studies on Sahih Muslim Bi Syarh Al-Nawawi," in Muh. Tasrif, *Hadith Studies in Indonesia: History and Thought* (Dissertation, UIN Sunan Kalijaga Yogyakarta: STAIN Ponorogo Press, nd), 274–314.

<sup>9</sup> Yusuf Qardawi, "Kaifa Nata'amal Ma'a Al Sunnah Annabawiyah" (Cairo: Darussyuruq print 1, 2000).

## Understanding Hadith Considering Social Background

Yusuf al-Qaraḍāwy in understanding a hadith pays attention to all aspects contained in a hadith both textually and contextually. As he said: One of the good things in understanding a sunnah is to also pay attention to what is built from the hadith in the form of special causes and its relation to the existing 'illat-'illat which is directly stated in the hadith, or something extracted from it, or understood from the conditions in the outline of a hadith. Based on an in-depth study of the hadiths, it can be found that in the hadiths there are also adjustments to the character of the social background at that time in order to create appropriate benefits or eliminate harm, and solve problems that occurred at that time.<sup>10</sup>

Yūsuf al-Qaraḍāwy in understanding the hadith by considering *asbāb al-wurūd* has divided it into three parts, namely the first part, because *wurūd* and 'illat are contained in the hadith. The second part, the method of understanding the texts of the companions and *tabi'īn* by paying attention to 'illat and its conditions. The third part, understanding the text based on changes in the social situation.

From this method, what is focused on is the method of understanding the hadith of the friends and scholars by considering the social background and changes in the community situation.

But before explaining the understanding of *Radhiyallahu Anhum's* companions, the author will mention an example of how the Prophet Muhammad really considered the situation and condition of society in establishing a law. This is intended so that no one is prejudiced against the friends of *Radhiyallahu Anhum* and say that the friends have committed *bid'ah* and changes, the friends pay attention to social background because they want to follow and practice the teachings of *Rasulullah SAW*

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<sup>10</sup> Ibid.

## **A. Determination of law by the Prophet Muhammad with due regard to social background**

In a hadith narrated by Buroidah bin Al hasib Al aslamy Radhiyallahu Anhu, Rasulullah SAW said:

عن بريدة بن الحسب الأسلامي رضي الله عنه زيارة القبور فزورها فإن في زيارتها تذكرة

Meaning: "I have forbidden you to visit the graves, now make a pilgrimage to the graves, because in the pilgrimage there is a warning (remembrance of death)."<sup>11</sup>

In fact, at the beginning of Islam, the Shari'a had forbidden visiting graves, because at that time humans had just been released from worshipping idols. After the hadith allowed it, since then visiting graves has been permitted for Muslims. This is in accordance with the opinion of hadith and fiqh experts regarding visiting graves.<sup>12</sup> This is proof that Rasulullah SAW really pays attention to the situation and condition of the community.

## **B. The Companions' Method of Understanding the Hadiths by Paying Attention to Social Background:**

1. Distribution of war assets (land) at the time of Umar bin Khattab.

Yūsuf al-Qaraḍāwī in understanding hadith, he did not limit his understanding based solely on the Prophet's texts but he also included methods for understanding the texts of his companions and also tabi'īn by paying attention to illat and its context. When understanding a hadith, they will turn away from the meaning zahir hadith if they realized that the hadith appeared to solve a problem specifically during the prophetic period, then the condition changed at a later date.<sup>13</sup>

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<sup>11</sup> Aby Dāwud Sulayman, Sunan Aby Dāwud (Beirut: Al Maktabah Al Ashriyah, nd).

<sup>12</sup> Muhammad bin Ismail As Shan'ani, Subulu As Salam, Volume 1. (Darul Hadith, nd).

<sup>13</sup> Qardawi, "Kaifa Nata'amal Ma'a Al Sunnah Annabawiyah."

Examples of these hadiths are:

عن عمر بن الخطاب : لولا أجز المسلمین، ما فتحت عليهم قرية إلا قسمتها، كما قسم النبي ﷺ خيبر.

Umar said: If I had not thought about the other Muslims, I would have distributed every area that I conquered just as the Prophet SAW had distributed the land of Khaibar.<sup>14</sup>

At the time of the Prophet Muhammad, the land of Khaibar was distributed while Umar did not carry it out when conquering the land of Iraq. He handed over the land to the owner but imposed a tax on the crops so that the benefits of the land could be enjoyed by all groups (the land of Iraq was fertile unlike the land of Khaibar). Ibn Qudāmah said that, "the division of land during the time of the Prophet Muhammad was due to necessity because in the early days of Islam (New Islam began to develop), whereas after that period the benefits changed."<sup>15</sup>

2. Changes in payment of fines for murder during the time of Umar bin Khattab.

Nash, based on contemporary customs which later changed, was the Prophet's stipulation in terms of imposing compensation money (diyat) for intentional or similar killings, on the closest family members of the killer. Some of the fuqahā' follow these provisions absolutely, without exception and are used for all time. So that such a diyat is always imposed on the closest members only. They didn't want to consider the fact that the Prophet SAW imposed this diyat on them, because at that time they were the ones who were responsible for defending and helping each member of their respective tribes.<sup>16</sup>

However, other jurists, including Abū Hanīfah, differed with them, arguing that Umar's action imposed such a diyat on members of the

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<sup>14</sup> Muhammad Ismā'il al-Bukhāry, "Ṣāḥīḥ Bukhāry" (beirut: Dar Tauqu An Najaat, nd).

<sup>15</sup> Qardawi, "Kaifa Nata'amal Ma'a Al Sunnah Annabawiyah."

<sup>16</sup> Ibid.

diwān (a group of soldiers in an administrative area).<sup>17</sup> Ibn Taymiyah's opinion taken from the book al-Fatawa is as follows, "The Prophet SAW has determined the payment of diyat for a group called al-'āqilah, namely people who according to custom are obliged to provide defense and help to someone." During the time of Ibn Taymiyah, they included the closest family members, especially the heirs. In Umar's caliphate where the diyat was imposed on members of the diwān.<sup>18</sup>

So here it can be concluded that there are several opinions regarding al-'āqilah. The first opinion does not want to go beyond the closest members, because they were called al-'āqilah at the time of the Prophet. While the followers of the second opinion state that what is called al-'āqilah in every period are those who defend and help someone in a certain place and time. When at the time of the Prophet SAW only the closest family members did that then they were called al-'āqilah. It was only later, when „Umar ra stipulated that there be a diwān, every army unit in a city was obliged to provide mutual defense and assistance even though there was no family relationship. So since then they have been called al-aqilah and this opinion is the more valid of the two previous opinions. This includes provisions that change with changing conditions.<sup>19</sup>

### 3. Uthmān's attitude towards the Khattab camel.

Regarding the lost camel, the Prophet said in a hadith:

عن زيد بن خالد الجهني: [جاء رجلٌ إلى النبي ﷺ، فسأله عن اللقطة، فقال: اعرف عفاصها ووكاءها، ثم عرّفها سنة، فإن جاء صاحبها، وإلا فساتك بها، قال فضالة الغنم؟ قال: لك، أو لأخيك، أو للذئب، قال: فضالة الإبل؟ قال: ما لك ولها، معها سقاؤها، وجداؤها ترد الماء، وتأكل الشجر حتى يلقاها ربها.

from Zayd bin Khalid said: "A man came to the Messenger of Allah and asked him about the items found, so he said: You recognize the cover and the rope then announce it for one year and if the owner comes then give it but if not then it becomes your authority with the item.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

The man asked again about the law if he found a goat then he replied: That's for you or your brother or a wolf. Then the man asked again about finding the camel. So he replied: How are you, even though the camel has a water bladder (filled with water) and shoes so that it can go back and forth looking for water and eat grass until its owner finds it.<sup>20</sup>

Focused here are the words, "how are you, even though the camel has a water bladder (filled with water) and shoes so that it can go back and forth looking for water and eat grass until its owner finds it." This situation continued throughout the reigns of Abu Bakr and „Umar so that if a camel got lost, the camel was left to roam and breed on its own without anyone touching it so that it was known who owned it.<sup>21</sup>

Therefore it is imperative to prevent harm that is expected to occur. Ali bin Aby Ṭālib as one of the senior companions agreed to what Uthmān was doing. In fact, he made improvements to this policy by suggesting that selling camels might be detrimental to the owner because the price was dropping. So what is better after being caught is to keep it until its owner comes to take back the camel.<sup>22</sup>

What Uthman and Ali bin Abi Talib did was not contrary to the orders of the Prophet Muhammad, but rather according to the intent and purpose of a hadith regarding this matter. This is because the human condition at that time had changed compared to the situation at the time of the Prophet Muhammad. If you continue to let the camel go astray, it may cause harm and harm to humans. So by holding the camel and selling it, then the proceeds are handed over to the owner aiming to eliminate the danger and harm. Based on what has been discussed, Yūsuf al-Qaraḍāwī in understanding a hadith he also included the method of understanding companions and tabi'in by paying attention to 'illat and its context. This method can find out how a friend makes a decision or ijtiḥad without violating the text of the Prophet and can find

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<sup>20</sup> Muslim bin Al Hajjaj Al Qusyairy Annaisabury, "Shahih Muslim" (beirut: Dar Ihya Atturast Al Araby, nd).

<sup>21</sup> Qardawi, "Kaifa Nata'amal Ma'a Al Sunnah Annabawiyah."

<sup>22</sup> Ibid.

out the wisdom behind it. Therefore, a law can change according to the benefit at a certain time.<sup>23</sup>

4. Umar bin Khattab Radhiyallahu 'anhu ordered the tarawih congregation to pray with one priest

عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَبْدِ الْقَارِيِّ أَنَّهُ قَالَ: خَرَجْتُ مَعَ عُمَرَ بْنِ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ لَيْلَةً فِي رَمَضَانَ إِلَى الْمَسْجِدِ فَإِذَا النَّاسُ أُورَاعٌ مُتَفَرِّقُونَ *Amen* بِي أَرَى لَوْ جَمَعْتُ هَؤُلَاءِ عَلَى قَارِيٍّ وَاحِدٍ لَكَانَ أَمْتَلًا ثُمَّ عَزَمَ فَجَمَعَ هُمْ عَلَى أَبِي بِنِ كَعْبٍ ثُمَّ خَرَجْتُ مَعَهُ لَيْلَةً أُخْرَى وَالنَّاسُ يُصَلُّونَ بِصَلَاةِ قَارِيٍّ مِمْ قَالَ عُمَرُ نَعَمْ الْبِدْعَةُ هَذِهِ

Meaning: “From 'Abdurrahman bin 'Abdil Qari', he said: 'I went out with Sayyidina Umar bin Khattab radliyallahu anhu to the mosque in the month of Ramadan. (Found in the mosque) people who pray Tarawih are different. There are those who pray individually and there are also those who pray in congregation. Then Sayyidina Umar said: 'I have an opinion if I gather them in the congregation of one priest, surely that would be better. Then he gathered them with an imam, namely a friend of Ubay bin Ka'ab. Then one night later, we came again to the mosque. People have already carried out Taraweeh prayers in congregation behind one imam. Umar said, 'The best bid'ah is this (tarawih prayers in congregation)’”<sup>24</sup>

Such was the condition that occurred during the lifetime of the Prophet sallallahu 'alaihi wasallam. Then he led them for three nights. Then he left them because he was afraid that they would be considered obligatory on them as the hadith of Aisha earlier. So that the Muslims returned to their original habits, until Umar gathered them. May Allah reward him with goodness for his services to Islam. Ibn At-Tiien and others said: “Umar bin Al-Khattab concluded, with the determination of the Prophet sallallahu 'alaihi wasallam regarding the validity of the prayers of those who recited to him during those several nights. Even if there were things he hated, it was only because he was worried that they would eventually become obligatory on them. This is the secret why Al-Bukhari quotes the earlier hadith of Aisha after the hadith of

<sup>23</sup> Ibid.

<sup>24</sup> al-Bukhāry, “Ṣāḥīḥ Bukhāry.”

Umar. After the prophet died, That worry is no longer valid. Umar prioritized this conclusion, because the scattering of the Muslims could lead to divisions. And also because congregating with one priest brings more enthusiasm to many people who pray.... And towards Umar's words, the majority of the people are more inclined..."<sup>25</sup>

The noble friend of Umar bin Khattab gathered congregations over one imam not because Umar wanted to disagree with his predecessors, but he wanted the Muslims to unite and strengthen social relations between them, because the scattering of the Muslims could lead to divisions and weaken social relations. and brotherhood. This is one proof that when Umar bin Khattab wanted to understand hadith, he paid attention to social relations.

5. The increase in the number of Tarawih prayers at the time of Umar bin Khattab.

عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ أَنَّهُ سَأَلَ عَائِشَةَ -رَضِيَ اللَّهُ عَنْهَا -: كَيْفَ كَانَتْ صَلَاةُ رَسُولِ اللَّهِ -صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ- فِي رَمَضَانَ؟ قَالَتْ: مَا كَانَ يَزِيدُ فِي رَمَضَانَ وَلَا غَيْرِهِ عَلَى إِحْدَى عَشْرَةَ رَكْعَةً: يُصَلِّي أَرْبَعَ رَكْعَاتٍ فَلَا تَسْأَلُ عَنْ حُسْنِيَّهِنَّ وَطَوْلِيَّهِنَّ، ثُمَّ أَرْبَعًا فَلَا تَسْأَلُ عَنْ حُسْنِيَّهِنَّ وَطَوْلِيَّهِنَّ، ثُمَّ يُصَلِّي ثَلَاثًا. فَقُلْتُ: يَا رَسُولَ اللَّهِ تَنَامُ قَبْلَ أَنْ تُؤْتَرَ؟ قَالَ: تَنَامُ عَيْنِي وَلَا يَنَامُ قَلْبِي

From Abu Salamah bin 'Abdirrahman, he reported that he once asked 'Aisyah radhiyallahu 'anha, "How is the night prayer of the Prophet sallallahu 'alaihi wa sallam in Ramadan?". 'Aisyah said, "The Messenger of Allah shallallahu 'alaihi wa sallam never increased the number of cycles in the night prayers in the month of Ramadan and did not increase the number of cycles in other prayers more than 11 cycles,"<sup>26</sup>

Umar gathered his friends to perform the tarawih prayer and then Ubay bin Ka'ab lead radhiyallahu Ta'ala 'anhu. Then the prayer is carried out 20 cycles. No one has denied it so that this opinion became ijma' or an agreement of the friends. This is as explained by Syaikhul Islam Ibnu Taimiyah said in majmu' Al fatawa: "All the above number of rak'ahs can

<sup>25</sup> Ahmad Hajar Al Asqolany, "Fathul Bari" (Beirut: Darul ma'rifah, 1379).

<sup>26</sup> al-Bukhāry, "Ṣāḥīḥ Bukhāry."

be done. Carrying out night prayers in the month of Ramadan in various ways is very good. And indeed more important is to perform the night prayer in accordance with the conditions of the jama'ah. If the jama'ah is likely to be happy with long raka'ats, then it is better to perform the night prayer as exemplified by the Prophet sallallaahu 'alaihi wa sallam himself in the month of Ramadan and other months. Under those circumstances, that's for the best.

However, if the congregation is unable to carry out long cycles of prayer, then performing the night prayer with 20 cycles is more important. This is what many scholars practice. Night prayer with 20 rak'ahs is the middle way between the number of ten and forty rak'ahs of night prayer. Even if someone performs the night prayer with 40 cycles or more, that is also permissible and is not said to be makruh in the slightest. Even the scholars have also emphasized the permissibility of this such as Imam Ahmad and other scholars. Therefore, whoever thinks that the night prayers in the month of Ramadan have a certain number limit from the Prophet sallallaahu 'alaihi wa sallam so that they cannot be more or less than 11 cycles, then he is truly mistaken."<sup>27</sup>

The conclusion from the opinions above is that the best number of cycles in the tarawih prayer is the number of cycles that are in accordance with the conditions and abilities of the community. As for the additional number of cycles of cycles exemplified by the Prophet Muhammad, this is due to the understanding of the hadith which takes into account social background.

### **C. Understanding of Hadith Based on Changes in Community Situation**

1. Hadith about "a woman is not allowed to travel three days (or more) except with a mahram".

عن ابن عمر رضي الله عنهما أن النبي ﷺ قال: لا تسافر المرأة ثلاثة أيام، إلا مع ذي محرم.

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<sup>27</sup> Ahmad bin Abdul Halim bin Taimiyah, "Majmu' Al Fatawa" (Saudi Arabia: Maj'ma Malik Fahd, 1995).

From Nāfi' from Ibn Umar, the Prophet said: It is not permissible for a woman to travel for three days, except with a mahram.<sup>28</sup>

This prohibition is not something fixed but there is an 'illat or reason for the prohibition. 'The illat of this prohibition is: If a woman goes alone without a mahram at the time of riding a camel or donkey by taking a desert or a deserted road, it is feared that something will happen to her that will cause slander. If conditions have changed like today, where any form of travel is either by plane or by train with lots of passengers, so that the situation is safe for the woman, then there is nothing wrong with her traveling alone.<sup>29</sup>

2. The hadith about "I broke away from a Muslim who occupies the place where the polytheists live."

عن جرير بن عبد الله رضي الله عنه قال: أن رسول الله ﷺ بعث سرية إلى خثعم فاعتصم ناس بالسجود فأسرع فيهم القتل فبلغ ذلك النبي ﷺ فأمر لهم بنصف العقل وقال: أنا بريء من كل مسلم يقيم بين أظهر المشركين. قالوا يا رسول الله ولم؟ قال: لا تراعى ناراهما.

From Jarir bin Abdillah said: The Messenger of Allah once sent an army to the Khats'am tribe. However, a number of members of the tribe wanted to save themselves by prostrating (praying). Even so, the members of the troop still killed them and when it became known to the Messenger of Allah, he ordered that a fine or compensation be paid for the killing of half of the provisions, saying: I let go of every Muslim who lives in the midst of polytheists. . Some who heard asked: Why O Messenger of Allah? He replied: The fire of the two will not unite.<sup>30</sup>

There are some who understand this hadith as an absolute prohibition to live in non-Muslim countries even though at present there are certain needs that require us to live in these countries. These needs include continuing studies, medical treatment, recreation, escaping from war, work, business, and so on.<sup>31</sup>

<sup>28</sup> al-Bukhāry, "Sāhīḥ Bukhāry."

<sup>29</sup> Qardawi, "Kaifa Nata'amal Ma'a Al Sunnah Annabawiyah."

<sup>30</sup> Sulayman, Sunan Aby Dāwud.

<sup>31</sup> Qardawi, "Kaifa Nata'amal Ma'a Al Sunnah Annabawiyah."

According to Rāsyid Riḍā, he explained that this hadith talks about the obligation to emigrate to an Islamic country in order to obtain help and assistance from the Prophet Muhammad. So that it becomes a necessity and obligation for a Muslim to live far from the house of polytheists and not live in a nearby place but should live with the Muslims in their country. The prohibition against neighbors with polytheists occurs because there is no guarantee of agreement and security for the Muslims even the two "fires" are different. One calls on Allah SWT and the other calls on Satan, then how can they unite. This is because they have destroyed themselves by living with polytheists who are enemies of Islam. So,

(إِنَّ الَّذِينَ ءَامَنُوا وَهَاجَرُوا وَجَاهَدُوا بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ فِي سَبِيلِ اللَّهِ وَالَّذِينَ ءَاوَوْا  
وَنَصَرُوا أَوْ لَبِئَكَ بَعِضُهُمْ أَوْلِيَاءُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضُهُمْ وَالَّذِينَ ءَامَنُوا وَلَمْ يُهَاجِرُوا مَا لَكُمْ مِنْ  
وَلِيَّتِهِمْ مِنْ شَيْءٍ حَتَّى يُهَاجِرُوا وَإِنْ أَسْتَنْصَرْتُمْ فِي الدِّينِ فَعَلَى كُمُ النَّصْرُ إِلَّا عَلَى  
قَوْمِ بِيْتِكُمْ وَيَوْمِئِذٍ وَاللَّهُ بِمَا تَعْمَلُونَ بَصِيرٌ)

“Indeed, those who believed and emigrated and fought jihad with their wealth and their lives in the way of Allah and those who provided shelter and help (to the emigrants), they protect each other. And for those who believe, but have not emigrated, then you are not obligated to protect them in the slightest, until they emigrate. (But) if they ask you for help in matters of defending religion, then you are obliged to provide help except for people who have been bound by an agreement between you and them and Allah is All-seeing of what you do”. (QS. Al-Anfal: 72)

The meaning of Allah's word above applies at the time of migration which is obligatory, while the hadith above is a prohibition on settling in an infidel country and living with infidels refers to an atmosphere of war, hostility, and where Muslims live in a country that is hostile to an Islamic state, then Islamic countries will not be responsible for their safety if there are military operations from Islamic countries attacking the country. The core of the law applies in accordance with the place and conditions. If the illat is in the form of the benefit that is to be obtained or the harm that is to be prevented is lost, then the law of a text is not

fixed. This is based on the existence of a law that applies according to the presence or absence of 'illat.<sup>32</sup>

### 3. Zakat fitrah

There is a text that shows the Prophet's order regarding the time to issue zakat fitrah and the time for payment begins after the dawn prayer so that before the Eid prayer is performed.

This is as in the hadith of Ibn Abbas radiyallahuanhu said:

“عن ابن عباس رضي الله عنهما قال: منأدأها قبل الصلاة فهي زكاة مقبولة، ومن أداها بعد الصلاة فهي صدقة من الصدقات

"Whoever pays Zakat Fithri before prayer, the zakat will be accepted and whoever pays it after prayer, then it is only as charity among various charity"<sup>33</sup>

From Ibn „Umar ra, in fact the Prophet SAW ordered to issue zakat fitrah before the crowd went out for the Eid prayer. This provision was adjusted to the condition of society at the time of the Prophet Muhammad, who was still in a small community, so that people who needed zakat were known where their homes were so that zakat could be given on time. During the friendship era, the expansion of the area and the scope of giving zakat became more complicated. So the time between the dawn prayer and the Eid prayer is considered insufficient so that the time for giving zakat is accelerated one or two days before the holiday.<sup>34</sup>

During the time of the imam of the madhhab, the Muslim community expanded, so that they allowed the payment of zakat al-fitr from the middle of the month of Ramadan according to the Hanbali opinion, or from the beginning of the month of Ramadan according to the Syafi'i opinion. They also do not specialize in the payment of zakat

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<sup>32</sup> Ibid.

<sup>33</sup> Sulayman, Sunan Aby Dāwud.

<sup>34</sup> Qardawi, "Kaifa Nata'amal Ma'a Al Sunnah Annabawiyah."

on the food described in the sunnah but instead determine it according to the staple food of an area.<sup>35</sup>

There are schools of thought that allow paying zakat using currency because it is considered more beneficial for the poor, this is the opinion of the Hanafi school and its friends. This is because the essence of the purpose of the law of zakat fitrah is to meet the needs of the poor, and this should not use staple foods. , but can also use payment in cash. In fact, if it is adjusted to the current situation, the benefits of paying zakat in cash are greater, so that this opinion seems to be a manifestation of the meaning of the hadith of the Prophet and this is what is meant as true fiqh.<sup>36</sup>

#### 4. Quraysh and leadership.

Hadith relating to the superiority of the Quraysh nation in the leadership area. In the nine primary hadith books (al-kutub al-tis'ah), when traced, this type of hadith is found in three books, namely Sahih al-Bukhari, Sahih Muslim, and Musnad Ahmad bin Hanbal with three almost similar editorial styles. Here are the three editorial styles:

عن عبدالله بن عمر : لا يزال هذا الأمر في قريش ما بقي منهم أثنان. (صحيح البخاري ٣٥٠١)

عن عبدالله بن مسعود : لا يزال هذا الأمر في قريش ما بقي من الناس أثنان. (صحيح مسلم ١٨٢٠)

عن عبدالله بن عمر : [لا يزال هذا الأمر في قريش ما بقي من الناس أثنان. (مسند أحمد ٥٠/٨)]

The translation in general is: "In this matter (religion, society, and state), the Quraysh are always (the leaders) as long as they are still there even though they are only two people"<sup>37</sup>

If you think about it and observe it, the contents of this hadith are manifestly inconsistent. The reason is clear, that it is impossible for a tribe in the Arabian Peninsula, namely the Quraysh tribe, which incidentally is only in Arab lands, to be considered capable of leading the

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<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> al-Bukhāry, "Ṣāḥīḥ Bukhāry."

life of religion, society and state throughout the world, even if there are only two of them. It seems impossible if the Prophet SAW had strong fanaticism towards his tribe, so that led him to make this statement as recorded in several books of hadith. If the hadith above is interpreted textually, then it is possible that someone will argue that a country, whether in Arab or non-Arab lands, must adopt or even "import" Quraysh to be sovereign as its leader in order to comply with the words of the Prophet. Even,

The figure who played a major role in the founding of the Quraysh tribe was Qushay bin Kilab. He was the first founder and laying the foundations of the Quraysh government.<sup>38</sup>It was through his hands that the Quraysh tribes that had split apart could be gathered and gathered in Makkah. That is, all of them were placed by Qushay in the lowlands around the Kaaba, even though previously some of them lived in the crevices and mountain slopes around Mecca.<sup>39</sup>

The Quraysh tribe under the leadership of Qushay then managed political affairs and affairs regarding the Kaaba, after previously political power was controlled by the Khuza'ah tribe. Since then, this tribe then dominated Arab society. There are ten high positions distributed to the tribes from the Quraysh tribe, namely hijābah, keeper of the keys to the Kaaba; siqāyah, overseer of the Zamzam spring for use by pilgrims; diyat, the powers of civil and criminal judges; sifarah, state attorney or ambassador; liwa', military position; rifadah, tax administrator for the poor; nadwah, the position of chairman of the council; khaimmah, administrator of the hall of deliberation; treasure, financial administration position; and azlam, keeper of the fortuneteller's arrow to know the opinion of the gods.<sup>40</sup>

The leadership of the Quraysh tribe in Mecca was later succeeded by their successors, especially by Hāsyim and Abdul Mutālib. In the

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<sup>38</sup> Khalīl Abd al-Karīm, "Quraysh Min Al-Qābilah Ilā Al-Daulah Al-Markaziyyah" (Cairo: Sīnā li al-Nasyr, nd).

<sup>39</sup> Muhammad Ridha, "Sirah Nabawiyah," nd

<sup>40</sup> Badri Yatim, History of Islamic Civilization (Jakarta: Raja Grafindo Persada, nd).

period that followed, the Prophet Muhammad was born from their group as well.

There is a leadership theory called *ashabiyah* or group fanaticism, which was originally put forward by Ibn Khaldun. This theory arises from the assumption that a leader in order to be able to effectively control the order and security of the state, both from disturbances originating from within the state and from outside, is required to have great authority, qualified intellectual side, and adequate physical strength. Therefore, he needs solid group solidarity or fanaticism. So if a country is inhabited by several *ashabiyah*, then the head of state is chosen from the group that has the most dominant group fanaticism.<sup>41</sup>

Departing from this *ashabiyah* theory, according to Nizar Ali, the determination of leadership was in the hands of the descendants of the Quraysh due to the sociological fact that the Quraysh people at that time were an Arab tribe who had qualifications, were tough, authoritative, prominent, strong, and had high fanaticism. Whether we realize it or not, leaders who come from tribes like this are able to control government effectively. However, if there are other tribes that are more prominent and more authoritative, then they also have the right to hold the reins of leadership. Quraysh is only a priority and symbol for people who have influence, get fanatical support, and have the capability and quality to hold the position of head of state. Thus, according to Nizar Ali,<sup>42</sup>

In another narration, there is a saying of the Prophet *Sahalallahu 'alaihissalam* which reflects the universality of justice in the field of leadership. This hadith is mentioned in *Sahih al-Bukhari*:

"Listen to and obey all of you (to the officials I appoint), even though the officials who take care of your interests are slaves of Abyss who (hair) on his head resembles wheat".<sup>43</sup>

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<sup>41</sup> Nizar Ali, *Hadith Versus Science: Understanding Hadiths* (Musykil Yogyakarta: Teras, nd).

<sup>42</sup> *Ibid.*

<sup>43</sup> al-Bukhāry, "Ṣāḥīḥ Bukhāry."

This hadith clearly provides an opportunity for leaders from various groups who have the ability and quality, and are not limited to the Quraysh tribe.

Armed with an understanding of the hadith of the Prophet Sahalallahu 'alaihihsalam regarding the leadership of the Quraysh tribe with a social sciences approach, it can be said that the reason behind the Prophet prioritizing the Quraysh over others in the field of leadership was because he considered that the Quraysh were a tribe that had influence, gained fanatical support, and has the ability and quality to hold the position of head of state. Thus, the contextual meaning that can be derived from this hadith is that the conditions that must be met by a leader who wants to establish a strong state are the characteristics inherent in the Quraysh tribe in the past. So from there, the specificity of the Quraysh tribe as the head of state according to the textual meaning is temporal (temporary), and what applies universally is the contextual meaning.

Looking at the descriptions and examples above, it can be seen that the current understanding of hadith focuses more on the use of social sciences as a medium for understanding the meanings of the Prophet's hadiths. Modern scholars try to target their orientation on historical aspects, both historical reality in the era of the Prophet Sahalallahu 'alaihihsalam in the past and present history.

Even so, there is one thing that must be considered that understanding must include subjective elements, so that when someone who wants to understand hadith texts in reality will never arrive at the objective level. This is because understanding is not a process of knowing that runs statically outside the framework of space and time, but always occurs under certain circumstances, in a certain place and in a certain space of time.

As explained in the characteristics of the social sciences that never know the exact truth, the meaning of hadith is like that too. Total objectivity is impossible to achieve in understanding hadith. As part of

its implication, a person cannot claim that only he alone is right, because only Allah is the possessor of ultimate truth.<sup>44</sup>

If indeed hadith and social sciences must integrate with each other as the visualization above, then how does hadith integrate with the social sciences? At least the way that appears there are two forms. First, people who have been involved in the discourse of hadith studies study social sciences, and apply them in hadith studies. This first method is often used by hadith scholars who want to see the reading of hadith from the perspective of the social sciences. Second, people who have struggled in the study of social sciences try to understand hadith with their social scientific background.<sup>45</sup>

### **Understanding the Hadith Considering the Audience**

Understanding the hadith considering the audience is an understanding that pays attention to the person who spoke with Rasulullah SAW in a hadith, regarding the condition and character of that person. The audience is the party that is the target of personal, group or certain people's words.

We already understand that the Messenger of Allah was a person who paid close attention to who he was talking to when giving a talk, whether in the form of laws, orders, prohibitions, teachings, fatwas or other matters that were the purpose of his explanation.<sup>46</sup>

He pays attention to the hearts of beginners by not giving explanations that are only understood by people who are already in his knowledge and he always answers someone's question with something that is considered important and according to their circumstances.<sup>47</sup>

### **Among examples of hadiths relating to the explanation of the Prophet Muhammad who adjusted the Audience are:**

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<sup>44</sup> Azhari Andi, "Reinterpretation of Sunnah (Muhammad Syahrur's Thought Study of Sunnah)," *Journal of Living Hadith* 1, no. number 1 (nd).

<sup>45</sup> Ibid.

<sup>46</sup> Mohd Asri Zainul Abidin, "Sabab Wurūd Al-Hadīth Dawabiit Wa Maayir" (Selangor: Malaysia Internation Islamic University, nd).

<sup>47</sup> Ibid.

### A. Different answers to the same question

فَعَن ابْنِ مَسْعُودٍ رَضِيَ اللهُ عَنْهُ قَالَ: سَأَلْتُ النَّبِيَّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: أَيُّ الْعَمَلِ أَحَبُّ إِلَى اللهِ؟ قَالَ: (الصَّلَاةُ عَلَى وَقْتِهَا)، قَالَ: ثُمَّ أَيُّ؟ قَالَ: (تُحِبُّ بِرَ الْوَالِدَيْنِ)، قَالَ: ثُمَّ أَيُّ؟ قَالَ: (الْجِهَادُ فِي سَبِيلِ اللهِ)

From Abdullah bin Mas'ūd ra said: I asked Rasulullah SAW, what action is most loved by Allah SWT? He replied: Pray on time. I Ask: what after that? He replied: Devoted to both parents. I asked again after that what? He replied: Strive in the way of Allah.<sup>48</sup>

وَعَنْ رَجُلٍ مِنْ خَثْعَمٍ قَالَ: قُلْتُ: يَا رَسُولَ اللهِ، أَيُّ الْأَعْمَالِ أَحَبُّ إِلَى اللهِ؟ قَالَ: (الْإِيمَانُ بِاللَّهِ)، قَالَ: قُلْتُ: يَا رَسُولَ اللهِ، ثُمَّ مَهْ؟ قَالَ: (تُحِبُّ صِلَةَ الرَّجْمِ)، قَالَ: قُلْتُ: يَا رَسُولَ اللهِ، ثُمَّ مَهْ؟ قَالَ: (تُحِبُّ الْأَمْرَ بِالْمَعْرُوفِ وَالنَّهْيَ عَنِ الْمُنْكَرِ)

At another time, a friend from Khatham said: O Messenger of Allah, what action is most loved by Allah SWT? He replied: "Faith in Allah SWT." I said: O Messenger of Allah, then what? He replied: then silaturrahim, I said: O Messenger of Allah, then what? He replied: Then enjoins what is good and forbids evil.<sup>49</sup>

In addition, there is also another hadith narrated by 'Aisyah Radhiyallahu Anha, namely:

عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ: سُئِلَ النَّبِيُّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ أَيُّ الْأَعْمَالِ أَحَبُّ إِلَى اللهِ؟ قَالَ: أَدْوَمُهَا وَإِنْ قَلَّ

From Aisyah Radhiyallahu Anha said: The Messenger of Allah was asked about the best practice, he replied: That the best practice is consistent practice even if only a little."<sup>50</sup>

Hadith with the meaning as above contains different answers of Rasulullah SAW to the same question. Al-Mubarkafury said that the difference in the Prophet's answers was caused by the difference in the character of the person asking.<sup>51</sup>

<sup>48</sup> al-Bukhāry, "Ṣāḥīḥ Bukhāry."

<sup>49</sup> Abu Ahmad Al Mundzirī, "At Targiib Wa At Tarhiib," nd

<sup>50</sup> al-Bukhāry, "Ṣāḥīḥ Bukhāry."

<sup>51</sup> Abidin, "Sabab Wurūd Al-Hadīth Dawabiit Wa Maayir."

Apart from that, Rasulullah SAW also told them the most important thing for each of them or something they liked the most or something that was most appropriate for them. Even the time difference when the question was asked to the Prophet was also considered. It could be that at that time, the best practice was jihad in the way of Allah SWT. This is because this practice was the best practice in the early days of Islam because it was a means for Islam to be upright.<sup>52</sup>

B. Different fatwas on one question in one case, and at one time:

فَعَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو رَضِيَ اللَّهُ عَنْهُمَا قَالَ: كُنَّا عِنْدَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَجَاءَ شَابٌ فَقَالَ: يَا رَسُولَ اللَّهِ، أَقْبِلُ وَأَنَا صَائِمٌ؟ قَالَ: (لَا)، فَجَاءَ شَيْخٌ، فَقَالَ: أَقْبِلُ وَأَنَا صَائِمٌ؟ قَالَ: (نَعَمْ)، قَالَ: فَنَظَرَ بَعْضُنَا إِلَى بَعْضٍ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: (قَدْ عَلِمْتُ لِمَ نَظَرَ بَعْضُكُمْ إِلَى بَعْضٍ، إِنَّ الشَّيْخَ يَمْلِكُ نَفْسَهُ)

From Abdullah bin Amr Ra said: one day we were with the Prophet SAW, then a young man came and said: O Messenger of Allah, did I kiss while I was fasting? He replied: (No), Then a sheikh came and said: Should I kiss while I am fasting? He replied: 'Yes, he said, so we looked at each other (confused).<sup>53</sup>

This hadith explains to us that the Prophet saw was very concerned about the condition, character and situation of the audience requesting a fatwa, Rasulullah saw as the best teacher of all time indirectly taught us to consider and pay attention to the audience, both in preaching, educating, giving fatwas, and understand speech.

## Conclusion

Based on the explanation that has been mentioned above, this research comes to the conclusion that understanding the hadith takes into account the background, situation, and conditions when it is said, so that the understanding of the hadith becomes broader, clearer, and avoids mistakes due to narrow understanding. In our current era, understanding hadith by considering the social background is very

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<sup>52</sup> Ibid.

<sup>53</sup> Abu Abdillah Asyayaibani, Musnad Imam Ahma, nd

important, because the social conditions at the time of the Prophet Muhammad were very much different from the social conditions today.

Understanding the hadith considering the social background is understanding the hadith by paying attention to the conditions, situations, circumstances, and relations between humans in the social environment. The purpose of understanding the hadith considering the audience is understanding the hadith by paying attention to the circumstances and character of the person who receives and hears the hadith. In other words, understanding the hadith by paying attention to whom it was conveyed.

In our current era, understanding hadith by considering the social background is very important, because the social conditions at the time of the Prophet Muhammad were very much different from the social conditions today. Because it is possible that a certain hadith is more correctly understood explicitly (textually), while other hadiths are more correctly understood implicitly (contextually). In other words, hadith needs to pay attention to its social context, to whom it was conveyed, under what conditions it was delivered, why it was delivered. Without paying attention to this, one will have difficulty understanding the meaning of a hadith, and may fall into erroneous understanding.

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