

AN INTRODUCTORY STUDY ON *DALALAH* IN ISLAMIC EPISTEMOLOGICAL LAW

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ABSTRACT

Usul Fiqh is a branch of science that until now the benchmark in the process istinbath Islamic law. If traced its history, we all know that the birth, growth and development of Usul Fiqh legal problems began when Muslims dynamics continue to evolve with the times. Hence, the necessary process of Ijtihad, to give a definite legal status of the legal problems at the time of the Prophet Muhammad was not found practical, and yet thrive in this modern era. The practice of marriage through a video conference, euthanasia, in vitro fertilization, cloning humans, a few of the many problems facing people today, which requires rule of law so that the Muslim community is maintained their religiosity from the things forbidden by Allah May He be elevated. Of the many objects in the study of Usul Fiqh, Studies on dalalah an interesting study once seized the attention of students of Islamic law. Dalalah are actually a lot more load semiotic language debate in the Qur'an and hadith and technical rules, it has strict rules and procedural processes in the context of Islamic law istinbath process. In fact, differences of opinion among Islamic scholars pretty much due to the differences in the language of semiotics in understanding the Qur'an and Hadith. On the basis of these considerations and perspectives, the authors assess the discourse surrounding derivatives dalalah and technical rules becomes very important to know though in its concise approach.

Keywords : *Dalalah, Ushul Fiqh, Semiotic, Ijtihad*

Introduction

The Holy and Glorious Al-Qur'an is the eternal miracle which has been always reinforced by the advancement of knowledge. It was sent down by Allah Almighty to Prophet Muhammad Peace be upon him to remove humans from the dark atmosphere towards the light, and guide them to the straight path.

The entire verse of the Qur'an and its meaning in terms lafadz is *goth'iyul wurud*, meaning all lafadz and meaning of the Qur'an comes from Allah May He be elevated without doubt its authenticity. Thus all lafadz and

meaning of the Qur'an is *mutawatir*. In terms of legal *dalalah*, some *qot'iyul dalalah* and others *zhanniy al-dalalah*.¹

In law extracting process through the Quran, one of the most important things to know is about *dalalah* lafadz of the Al-Qur'an. *Dalalah lafadz's* meaning is sometimes based on the sound (*lafziyah, mantuq*, explicit meaning) words spoken, either expressly or contains other possible meanings, with or without *taqdir*. And sometimes based on the understanding or *qhoiru lafziyah* (knowingly, implicit meaning) , either jurisdiction in accordance with the laws *lafziyah / mantuq* or contradictory. Discussion of texts *dalalah* Koran is very important to understand the true intent and purpose of the texts.²

Scholars divide the two parts *dalalah*, that of *Dalalah lafziah* and *qhoiru lafziyah*. *Dalalah lafziyah* in this sense is that a proposition is lafadz by birth. *Dalalah ghairu lafziyah* the proposition is not through lafadz by birth. *Ushuliyyin* circles of Hanafiyah's followers named *dalalah qhoiru lafziyah* as "dalalah sukut" or collectively, the "*bayan al-dhorurah*".³

Dalalah lafaziyah within the meaning of the verses of the Qur'an is divided into four parts. That of *dalalah al-ibarah, dalalah al-Isyarah, dalalah an-nash* and *dalalah al-iqtidho'*. The discussion paper seeks to uncover some of the things pertaining to *dalalah al-'isyarah*, both of understanding, various examples of texts that show up *dalalah al-' isyarah* and others.

Discussion

A. Dalalah al-Nash

1. Understanding Dalalah al-Nash

Dalalah etymologically derived from the word *dalla-yadullu-dallan-dalalan-dalalatan* meaning: showing, guiding. This is also the same as the meaning set forth by Mahmud Yunus in Arabic language dictionary. The general meaning of *dalalah* is "to understand something for something". The first word something called *madlul* (designated and said something both called propositions (the clue)⁴. Example in the phrase "smoke indicates fire", an indication of the presence of fire smoke. *Dalil* represents smoke and fire is *madlul*.

¹ Fathurrahman Djamil, *Filsafat Hukum Islam* (Jakarta : Logos Wacana Ilmu, 1999), p. 83-84.

² Manna Khalil Qattan, *Studi Ilmu-Ilmu Alquran* (Jakarta : PT. Pustaka Litera AntarNusa, 1996), p. 358.

³ Muhammad Khudari Bek, *Ushul fiqh* (Kairo : al-Maktabah al-Tijariyah al-Kubro, 1969), p. 118.

⁴ Taqiyuddin al-Subki, *al-Ibhaj fi Syarh al-Munhaj* (Beirut : Dar al-Kutub al-Ilmiyah, t.t), p. 204.

While the words Nash of the texts is Isim Mashdar *Nassa-yanussu* word meaning, manifest, leaning, enforce, investigate. If it is said *nasshu min al-kalam* words have meaning is clear without the need for further interpretations. While the texts of al-kitab means writing a text book.⁵

In terms dalalah's texts is according to some scholars point out lafadz of law was said to him (*mantuq bihi*) for settling legal or understood from him (*maskut anhu*) because of the meaning that can be seen by anyone who knows the language contained in *mantuq bihi* , without requiring in-depth research and a genuine *ijtihad*.⁶

Shaikh Khalid Abdur Rahman in his book *Usul at-Tafsir wa qawaiduhu* provide definitions that *dalalah an-nash* is *dalalah lafadz* that shows the determination of the law through the spoken law of silenced *lafadz* because the conclusions that can be drawn from the meaning lafadz expressed, the language which can be easily understood by anyone without extensive research. Both are the same, whether it's the law that silenced or equal to the primary law of the lafadz say it.⁷

Muhammad Abu Zahrah in his book *Usul fiqh*, explaining that *dalalah al-nash* also called *Mafhum al-muwafaqah* knowingly or *dalalah al-aula*.⁸ Understand is what is shown by lafadz not based on the sound of words, and the *Mafhum muwafaqah* understand the meaning of the law in accordance with *mantuq*.⁹

There are two kinds of *Mafhum Muwafaqah*, namely: First, *Fahwal Khitab*, i.e. when the meaning is understood that more than *mantuq* law should be taken, such as prohibition berate and beat the parents who conceived of the verses of the Qur'an Sura al-Isra verse 23. Second, *Lahnul Khitab*, i.e. when the law knowingly equal in value to such an understanding of the law *mantuq Qur'an* surah an-Nisa 'verse 10 concerning prohibition burning orphan's property or waste it, because it is similar in value to those consuming the orphan's property until the end. These examples will be explained further in the discussion of the examples *dalalah al-nash*.

Both mafhum is called *Mafhum Muwafaqah* because the meaning is not mentioned is legal according to the laws of the spoken, although the law has added value on the first one and the same in the second. *Dalalah* in *Mafhum Muwafaqah* is included in the category reminiscent higher with a

⁵ Munawwir, *Kamus al-Munawwir*, p. 1425.

⁶ Musthafa Sa'id al-Khin, *Asar al-Ikhtilaf fi al-Qawaid al-Ushuliyah fi ikhtilaf al-fuqaha*, (Beirut : Muassasah ar-Risalah, 1981), pp. 132-133.

⁷ Syeikh Khalid Abdur Rahman, *Ushul Tafsir wa Qawaiduhu* (Beirut : Dar an-Nafais, 1994), p.368.

⁸ Muhammad Abu Zahrah, *Ushul Fiqh*, (Kairo, Dar al-Fikr al-A'rabi, 1958), p. 141.

⁹ Manna Khallil Qattan, *Studi Ilmu-Ilmu Alquran*, (Jakarta : Pustaka litera AntarNusa, 1996), p. 362.

lower or a lower to a higher level.¹⁰ Both kinds of information are written in the holy word of Allah in Surah ali-Imran verse 75 as follow :

وَمَنْ أَهْلَ الْكِتَابِ مَنْ إِنْ تَأَمَّنْهُ بِقِنطَارٍ يُؤَدِّهِ إِلَيْكَ وَمِنْهُمْ مَنْ إِنْ تَأَمَّنْهُ بِدِينَارٍ لَّا يُؤَدِّهِ إِلَيْكَ إِلَّا مَا دُمَّتْ عَلَيْهِ فَإِنَّمَّا ذَلِكَ بَانْتَهُمْ قَالُوا لَيْسَ عَلَيْنَا فِي الْأُمِينِ سَبِيلٌ وَيَقُولُونَ عَلَى اللَّهِ الْكَذِبَ وَهُمْ يَعْلَمُونَ ٧٥

Translation :

"Among the people of the Book there if you entrust to her great fortune, return to thee, and between them there are people who if you entrust him one dinar, do not return to you unless you always collect. that is because they say: "there is no sin for we the people are concerned. they say Lies to God, And they know.

The first sentence of this paragraph, "*and among the scribes there are people who if you entrust him treasure, return to you*", including the warning that he would bring back the message to you even just a penny or less. Being the second sentence, "*and among them there are people who if you entrust him one dinar, do not return to you*", including a warning that you can not trust him that much wealth.

2. Examples Dalalah al-Nash

Allah May He be Elevated says in the Qur'an Sura al-Isra' verse 23 on prohibition deriding both parents:

وَقَضَىٰ رَبُّكَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ وَبِالْوَالِدَيْنِ إِحْسَانًا إِمَّا يَبُلُغَنَّ عِنْدَكَ الْكِبَرَ أَحَدُهُمَا أَوْ كِلَاهُمَا فَلَا تَقُلْ لَهُمَا آفٌ وَلَا تُنْهَرْهُمَا وَقُلْ لَهُمَا قَوْلًا كَرِيمًا ٢٣

Translation :

"And your Lord has decreed that you not worship except Him, and let the mother do good to your father as well as possible. if any one of them or two of them to mature further in your preservation, so occasionally they do not say the word "ah" and do not be shouting at them and say to them a noble word. "

Mantuq verse is forbidden to say "ah" to parents, because it was taken from him by the prohibition law berate and beat the elderly because such actions are far more harm compare to saying "ah". And understanding of the mockery and beating both parents is called an *dalalah al-nash* drawn from the understanding that understand (understood) from the *mantuq* (say / *dalalah al-ibarah*).

Khalid Abd Rahman in his book *Ushul Tafsir and Qawaiduhu* shed light on this verse that prohibition consisting not just limited to say "ah" in

¹⁰ *Ibid*, p. 362.

both parents. Because obviously the knowledge of the Arabic language, rules and structure, one can easily capture a broader understanding of the *dalalah mantuq* (*dalalah al-'ibarah*) of this paragraph while listening. That prohibition in berate, humiliate and beat the parents. Since the acts are more painful than just say "ah". *Dalalah* is called the "*ad-dalalah dalalah*" or *dalalah an-nash*.

3. Status of Dalalah al-Nash

Status of *dalalah an-Nash* is *qoth'i*. Even allowed to constitute laws (in *al-hudud* case) and by using *Dalalah al-nash* without using *Qiyas*. Such determination "cut the hand" of Part of involvement in crime "*Qath'u Thariq*" (terrorism). By using *Dalalah al-Nash* Allah says in the Qur'an: *و يسعون في الأرض فسادا*, means: "*and they strive to make mischief on the earth ...*".

Similar to an expiation for someone who broke his/her fasting during the month of Ramadan even without conjugal intercourse, with *dalalah* of the word of Allah (*إلى الليل*), then whoever break his fast during the month of Ramadan by consuming food before *ifthar* time come up is similar to someone who cancel by having *jima* (Sexual Intercourse) between husband and wife.

B. DALALAH AL-'IBARAH

1. Understanding dalalah al-'Ibarah

Dalalah etymologically derived from the word "*dalla-yadullu-dallan-dalalan-dalalatan*" meaning: shows, guided.¹¹ The General meaning of *Dalalah* is "to understand something for something". The first word something called *madlul* (designated and said something both called propositions (the clue). Example in the phrase "smoke indicates fire", an indication of the presence of fire smoke. *Dalil* is smoke and fire is *madlul*.¹²

While *al-'ibarah* by origin was an *Ism* *abbara* means like, speech, style of say (language), an explanation¹³ and description *'ibarah* in the Qur'an means *lafadz*, words, texts or sentences contained therein.

Dalalah al-'ibarah or sometimes well known as *Ibarah al-Nash* means *dalalah lafadz* meaningful texts whose meaning can be understood from the context directly or *lafaz* derived form itself, both the intended meaning of the original shape and desired *lafadz*. The purpose of the original

¹¹ Ahmad Warson Munawwir, *Kamus al-Munawwir Arab –Indonesia* (Surabaya : Pustaka Progressif, 1997), p. 417.

¹² Taqiyuddin al-Subki, *al-Ibhaj fi Syarh al-Munhaj* (Beirut : Dar al-Kutub al-Ilmiyah, t.t), p. 204.

¹³ Ahmad Warson Munawwir, *Kamus al-Munawwir*, Op.cit., p. 888.

is the true meaning of the saying lafadz, while opt-interpreted as meaning both of the goals expressed a lafadz.¹⁴

Meanwhile, according to Abdul Karim Zaidan, *dalalah al-'ibarah* shows lafadz the immediate meaning can be understood from the shape lafadz itself, both intended meaning of the original shape or desired lafadz be opt-in. Clearly is an understanding of the meaning *lafadz harfiyah* understood from the units.

Ushul Fiqh Scholars do not distinguish between the intent of the original meaning and significance that follow. They explained that if there is a nash and its lafaz shows a law, then the meaning of the first of these texts is the original meaning (origin) of these texts. If lafadz nash gives a second interpretation of the law is called the meaning of opt-in. Both are *dalalah al-'ibarah* or *dalalah al-nash*.¹⁵

2. Examples of Dalalah al-'Ibarah

Examples of texts containing *dalalah al-'ibarah* are spread out in the Qur'an and the Sunnah of the Prophet Muhammad. Here is an example of Dalalah al-'Ibarah written in the Qur'an as mentioned at Sura al-Isra 'verse 33:

ولاتقتلو النفس التي حرم الله إلا بالحق

Translation :

"And do not kill the soul which Allah has forbidden (to kill), but with a (reason) is true".

This verse expression and its *'Ibarah* concentric to one law, the law of unlawful killing others for no good reason. It can clearly we understand the meaning of the verse arrangement that forbid murder without reason that can be justified by the shari'ah.

The second example of *Dalalah al-'Ibarah* is also written at Surah al-Baqarah verse 275 as follow :

واحل الله البيع وحرم الربا

Translation : "God justifies selling and forbidden usury".

This verse in terms of *dalalah al-'ibarahnya* can be understood in two senses that any of the meaning of these texts taken from the text above.

- a. First, it explains that the sale is lawful while usury is forbidden. This is the origin or original meaning of the paragraph above
- b. Second, denying the similarities between trading and usury. In another meaning that the sale is not as usury. Buying and selling is permitted while usury is forbidden. Due to reject this verse saying the idolaters who say that trading is just like usury. As in the word of Allah swt. in the Qur'an Sura al-Baqarah verse 275:

¹⁴ Syeikh Khalid Abdur Rahman, *Ushul Tafsir wa Qawa'iduhu* (Damaskus, Dar al-Nafais, 1994), p., 362.

¹⁵ *Ibid.*, p. 362.

إنما البيع مثل الربا

Translation : "Verily, selling it like usury".

This is the meaning of follow-up, the point is that the form of the sentence is not to explain it but the original meaning lafadz As with opt-in, arguing that nash was possible (only) to deny the equation without explaining selling halal and haraam riba. So when he mentioned this meaning, suggesting that it is an opt-in meaning of the verse form that point to provide an understanding of the original meaning of the verse.

This text provides an understanding of the difference between the selling deli and usury and nullifying the equation both in accordance with the disclosure of the idolaters as in the paragraph above. And this meaning is the meaning of the verse follow.

3. Word of God Almighty. in the Koran Sura al-Nisa, verse 3:

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَىٰ وَثُلَّةَ ۖ وَرُبُعَ ۚ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ذَٰلِكَ أَدْنَىٰ أَلَّا تَعُولُوا ۗ ٣

Translation :

"And if you fear you will not be able to apply justice to the (rights) of the women were orphaned (if you marry), then marry women (else) do you prefer: two, three or four. then if you fear you will not be able to do justice, then (marry) only one .. "

In fact this verse texts / text giving to some legal appointment include:

1. Permissibility of marriage.
2. Permissibility of marrying more than one woman (polygamy) to amount to four.
3. The obligation to have only one wife if the husband feared not do justice when performing polygamy.

The third meaning of the law is demonstrated directly and clearly by the Qur'an texts with a clear shape. But the third meaning of the verse interpreted law is not entirely its original text. Permissibility of polygamy with a wife of more than one but not limited to any amount and suffice to four wives only if one can not justly fear was the original intent of the verse.

While the third is the legal meaning of marriage is the meaning permissibility follow from both the previous interpretation. This can be understood from *Asban al-Nuzul* narrated by Tabari from as-Sa'di that the Prophet SAW said: "they are loud in the affairs of orphans but not hard in the affairs of women, they married several wives justly however not among them."

3. Law dalalah Al-'ibarah

Law dalalah al-'ibarah is *qoth'i*, the clear understanding and means that can be taken / understood through words or texts are composed. *Dalalah al-'ibarah* shall be carried out without a doubt and indecision in it.

Understanding by using *dalalah al-'ibarah* is weaker when compared to *dalalah an-Nash* and stronger than *dalalah al-Isyarah*. If *dalalah al-'ibarah* against *dalalah isyarah* the main priority is *dalalah al-'ibarah*.

Dalalah nash is the strongest, so it is possible if there is some law in the interpretation of Qur'anic texts lafadz the contrary, it is the preferred use is legal understanding *dalalah al-nash*.

C. DALALAT AL-IQTIDHA.

1. Understanding *Dalalat al-Iqtidha*

Dalalat by means language instructions. While it is known scholars of *usul al-fiqh*, *dalalat* is "Understanding something shown by words or speech". *Dalalat* is something that is desired by the word when it is spoken implicitly.

Dalalat according to Imam al-Ghazali in his book *Mustashfa*, namely: meaning other than that indicated by the word (*lafadz*), nor exposed greeting (*mantuqan*), but the intended meaning is the meaning that comes from what is desired by those words. Meaning it must (as a requirement) because it is not possible without a word meaning a person can be considered correct. Meaning it has to be there because it's pointless being spoken in terms that hindered Personality '(no legal meaning). Core meaning there should be reasonable because without meaning it can not take it logically.

Abd al-Wahhab Al-Khallaf in his book the science of *usul al-fiqh* explained that *dalalat iqtidha* namely: "*Dalalat al-iqtidha* the meaning, the words were not solid, except those mentioned, said that the text does not exist, but the validity and robustness of the new meanings arise if the meaning of the word is defined, as well as in terms of truth and harmony with the emerging reality if the meaning of the word set".

According to Ali Hasballah in the book of *Usul al-Tasri 'al-Islami al-dalalat* give *iqtidha* definition as follows: "*Dalalat al-iqtidha* described the meaning of words from the text something that is not mentioned, the validity of the words that can only be known if the meaning is established, or the meaning of it is not solid without ensuring provision of meaning".

Another notion about *dalalah al-iqtidha* described by Muhammad Abu al-Yusr 'Abidin in his book *Muhadlarat fi Usul al-Fiqh al-Islami*, as quoted by the shaykh Abdurrahman. He argues that *al-iqtidha dalalat* that define words that are not referred to in the text so that it is as if a new word that is defined by the texts. That is, making something that is not mentioned seemed as if it were mentioned, specified function to make it (the text) correctly.

Al-Taftazani found *dalalah al-iqtidha* is shown by lafadz meaning beyond the meaning of the text, truth and validity lafadz syar'i or aqli it is determined by the meaning beyond that. Another opinion about *dalalah al-iqtidha* that makes something not mentioned as it is called, because that's the only way mentioned that it was true.

It could be concluded that the arguments of *al-iqtidha* is the process whereby a text reader or interpreter be able to find the true meaning of the sentence (text) after he did some things. First, the interpretation of the text should include a new meaning that no language in the text so that the sentence be perfect meaning and can be interpreted correctly. Second, the meaning of which he entered it should correspond to the reality of the desired composition of sentences (texts or text) that exist in terms of language or logic.

2. Examples Dalalat al-Iqtidha

Word of God Almighty. Surat al-Maida verse 3:

حرمت عليكم الميتة

Translation : Forbidden you carrion.

Readers will grasp the meaning of the text that is forbidden is not associated with the material, but due to the act that there is a connection with the material. There is no clarity whether the outlawed see, feel it, throw it away. Because it is necessary to establish the meaning of a text secar not called.

Only in that way so that meaning is clearly understood and robust. So there needs to be a new meaning from the outside is what is forbidden to eat carrion. Eating is referred to the text in the paragraph is clear, but that's what is meant. Because it says the meal was leaning against the text according to the prosecution. As if the word 'reasonable' or eat that fixed meaning in text or without the addition of the word, the meaning of the text is not clear enough. Another example comes from word of God:

حرمت عليكم أمهاتكم

Translation : "Forbidden to you your mother (An-Nisa: 23)

Textually above paragraph has not been clear. Mrs. prohibited in terms of whether it, see it, smell it, live with it or anything. Because it takes the meaning that comes from the outside so that it becomes legal text clearly captured and understood meaning or intention. In this regard, *al-iqtidha dilalat* is marriage. So it is forbidden to marry the mother.

3. Dalalat al-Iqtidha division

Experts split *dilalat al-iqtidha* into three kinds, just as written in his book *Usul al Hasballah-Tasri 'al-Islami* (Hasballah, 1391 H/1971 M: 278). The same division is made sheikh Khalid Abdurrahman.

Must determine the meaning of that sentence was in line with reality.

For example, the words of the apostle:

"Verily, Allah lifted from my Ummah mistakes, forgetfulness, and anything that he was forced to do so (HR Ibn Majah and al-Bayhaqi).

One and forget not possibly removed from the human race, because it's been going on two properties in humans and has been going on, how lifting. Because it is necessary to determine the meaning of which is not mentioned in the text, use that phrase in tune with reality, not contradictory. meaning that it is a sin to insert one and forget. So who was appointed not one and his forgetfulness, but sin. Likewise, someone who did sin (sin) is done because of forced or coerced. must determine its meaning, so that the sentence is logically true.

As the word of God:

وَسَلِّ الْقَرْيَةَ الَّتِي كُنَّا فِيهَا وَالْعَيْرَ الَّتِي أَفْبَلْنَا فِيهَا وَإِنَّا لَصَادِقُونَ ٨٢

Translation : "Ask what country we were in there, and the caravan in which we returned with them, and we are indeed the correct ones. (Q.S Yusuf: 82).

Logically, of course, can not ask the village or group. Both statements can not answer. Because it is necessary beyond the meaning of the population. So the question here is to ask residents or members of the group.

Another example

"Let him call the place ghetto"

A person would not be calling the township, because the village could not answer, the question is disisni villagers. In science balagho this style called *Majaz mursal*. Must determine the meaning of that sentence was correct syar'i.

For example, the word Allah in Surah an-Nisa ': 92:

فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ

Translation : ... Let it free a believing slave who ...

The order relates to kifarat for the person who kills a believer accidentally freeing the slave believer. The command should not mentioned meaning in the text, namely those who have servants or people who could let them free. Because if she does not have or do not have the ability servant surely he would not be able to do that.

d. Example *Ta'arudh* (conflict) is *Dalalah al-Iqtidha*

Examples *ta'arudh* between *dalalah al-ibarah* with *dalalah al-iqtidha* seen between the word of God in Sura al-Nisa 'verse 92, which reads:

وَمَا كَانَ لِمُؤْمِنٍ أَنْ يَقْتُلَ مُؤْمِنًا إِلَّا خَطَأً وَمَنْ قَتَلَ مُؤْمِنًا خَطَأً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَدِيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ إِلَّا أَنْ يَصَدَّقُوا فَإِنْ كَانَ مِنْ قَوْمٍ عَدُوٍّ لَكُمْ وَهُوَ مُؤْمِنٌ فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَإِنْ كَانَ مِنْ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ مِيثَاقٌ فَدِيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ وَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ فَمَنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ تَوْبَةً مِّنَ اللَّهِ وَكَانَ اللَّهُ عَلِيمًا حَكِيمًا ٩٢

Translation : "... And whoever kills a believer due to miss the mark, let him free a believing slave, and pay the *diyat* (fines) were handed over to their families (the slain) "

With the Prophetic traditions, which reads:

"Pardoned sin of my people wrong, forget and something they were forced to do it (Narrated by Ibn Majah and al-Bayhaqi).

In the above verse the meaning can be understood through the *dalalah al-ibarah* is that the murderer of a believer by mistake shall be for him an expiation by means let a faithful servant free.

Being in the hadith above meanings can be understood through *dalalah al-iqtidha* is that sin because mistakes like killing forgiven. Seems meaning no conflict. So in this case can be understood by *dalalah al-ibarah* shall take precedence over the understood meaning of *dalalah al-iqtidha*. The killer with an error that required freeing a believing slave, can not be separated completely from the penalty for his misdeeds.

D. DALALAH ISYARAH

1. Definition

Dalalah etymologically derived from the word "*dalla-yadullu-dallan-dalalan-dalalatan*" meaning: shows, guided *dalalah* general meaning is "to understand something for something". The first word something called *madlul* (designated and said something both called propositions (the clue). Example in the phrase "smoke indicates fire", an indication of the presence of fire smoke. Dalils smoke and fire is *madlul*.

While *al-Isyarah* derived from *asyara - yusyiru - isyاراتan* meaningful signs, clues, cues, signals and indications. *Al-isyarah* in a meaningful discussion of the meaning of the Qur'an lafadz appointing another meaning can be understood from the meaning lafadz question.

According to *al-isyarah dalalah* terminology is *dalalah* lafadz that shows the meaning of which is not immediately understandable, but there is commonly understood meaning of the intended meaning lafadz, either origin or along, or in the prevalence *aqliyah* and habits, determination or hidden.

Al-Sarkhasy dalalah al-isyarah defines as: "What is revealed is not intended for that, but from a deep concern discovered the meaning of lafadz it, no more and no less".

According to Sa'id Mustafa al-Khin, hint designation lafadz *nash* is the law that is not in question, but it is the prevalence of the law is not in question, but it is the prevalence of the law relating to the form of *kalam* understood.

Based on some definitions above it can be concluded that the nature of *al-isyarah dalalah* is an expressed lafadz give meaning to a purpose, but not according to what is clearly mentioned in the lafadz, because it does not show the meaning of texts is the proverbial lafadz and directly, will but hinted to the meaning according to conventional wisdom.

It should be of concern is that *al-isyarah dalalah* sometimes hidden meanings, so it needs to research and attention, and we must ensure that

there is an intrinsic prevalence between the meaning intended by a text like the meaning intended by the gesture *an-nash*. In fact it should not be separated from the prevalence of true prevalence. To understand this, or are related to the problems *dalalah al-isyarah* it will be presented some examples from the Koran.

2. Examples Paragraph

There are so many examples - examples of verses that can be brought forward in order to get a clear understanding of *dalalah al-rah*, here are some of them:

1. Allah SWT says in Quran surah al-Baqarah verse 187:
أَجَلٌ لَّكُمْ لَيْلَةٌ الصِّيَامِ الرَّفَثُ إِلَى نِسَائِكُمْ هُنَّ لِبَاسٌ لَكُمْ وَأَنْتُمْ لِبَاسٌ لَهُنَّ عَلِمَ اللَّهُ أَنَّكُمْ كُنْتُمْ تَخْتَانُونَ أَنْفُسَكُمْ فَتَابَ عَلَيْكُمْ وَعَفَا عَنْكُمْ فَالآنَ بَاشِرُوهُنَّ وَابْتَغُوا مَا كَتَبَ اللَّهُ لَكُمْ وَكُلُوا وَاشْرَبُوا حَتَّى يَتَبَيَّنَ لَكُمُ الْخَيْطُ الْأَبْيَضُ مِنَ الْخَيْطِ الْأَسْوَدِ مِنَ الْفَجْرِ ثُمَّ أَتَمُوا الصِّيَامَ إِلَى اللَّيْلِ وَلَا تُبَشِّرُوهُنَّ وَأَنْتُمْ عَاكِفُونَ فِي الْمَسْجِدِ تِلْكَ حُدُودُ اللَّهِ فَلَا تَقْرَبُوهَا كَذَلِكَ يُبَيِّنُ اللَّهُ لِّلنَّاسِ لَعَلَّهُمْ يَتَّقُونَ
١٨٧

Translation:

"Permitted to you on the night of the fasting mixed with your wives: they are garments for you, and you too are a garment for them. Allah knows that you can not hold your pleasures, so God forgive you and give you forgiveness. So hold intercourse with them and follow what Allah has ordained for you, and Eat drink until the white thread from the black thread of the dawn That. then complete the fast till it (comes) night, (but) you do not interfere with them, are you *berit'ikaf* in a mosque. That prohibition of God, so approach them not. Thus Allah explains His verses to the people, that they may fear Allah.

This verse shows the validity of fasting for those who are still in the early *junub* circumstances, for this verse allows mixed up with the dawn so no chance for showers. Accordingly circumstances require or compel us in a state of morning *junub*. So allow "mixed up at the last time of the night that there was no longer a chance to shower before dawn, then allow the state also morning *junub*.

2. Allah SWT says in Quran surah al-Baqarah verse 233:
﴿وَالْوَالِدَاتُ يُرْضَعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُنَمِّمَ الرِّضَاعَةَ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ لَا تُكَلَّفُ نَفْسٌ إِلَّا وُسْعَهَا لَا تُضَارَّ وُلْدُهُ بِوَالِدِهَا وَلَا مَوْلُودٌ لَهُ بِوَالِدِهِ وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِّنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا وَإِنْ أَرَدْتُمْ أَنْ تَسْتَرْضِعُوا أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا ءَاتَيْتُمْ بِالْمَعْرُوفِ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ ٢٣٣

Translation :

"Mothers shall suckle their children for two full years, that is for those who want to enhance breastfeeding. and obligations of fathers giving meals and clothing to the mother by doing good. but one is not burdened by ability levels. do not suffer hardship as a mother and a father for his son, and thus obliged warispun. if they want to wean (before two years of age) with both voluntary and deliberation, then there is no sin on them. and if you want your son disusukan by others, then there is no sin on you if you make payments according to the worth. ye fear Allah and know that Allah doth see all that ye do. "

3. Allah SWT says in Quran surah al-Baqarah verse: 228:

وَالْمُطَلَّقَاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ وَلَا يَحِلُّ لَهُنَّ أَنْ يَكْتُمْنَ مَا خَلَقَ اللَّهُ فِي
أَرْحَامِهِنَّ إِنْ كُنَّ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَبَعُولَتْهُنَّ أَحَقُّ بِرَدِّهِنَّ فِي ذَلِكَ إِنْ أَرَادُوا
إِصْلَاحًا وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ وَاللَّهُ عَزِيزٌ حَكِيمٌ
٢٢٨

Translation :

"Women who divorced should restraint (waiting) three times *quru* '. they can not hide what Allah has created in her womb, if they believe in Allah and the Hereafter. and her husbands are entitled to do reconciliation at the waiting period, if they (the husbands) want islah. and women have equal rights with obligations under way ma'ruf. however, the husband has a degree of advantage than his wife .. and Allah is Mighty, Wise.

This verse describes time and duration of waiting period. This means that a wife has a waiting period where he was not allowed to marry a length adapted to the causes she separated from her husband. *Isyarah* lafadz can be understood from these texts that are allowed to marry or married to women who have spent her *iddah* period in accordance with the instructions Koran, especially Surah al-Baqarah: 236:

لَا جُنَاحَ عَلَيْكُمْ إِنْ طَلَقْتُمُ النِّسَاءَ مَا لَمْ تَمْسُوهُنَّ أَوْ تَفْرِضُوا لَهُنَّ فَرِيضَةً وَمَتَّعُوهُنَّ
عَلَى الْمَوْسِعِ قَدَرَهُ وَعَلَى الْمَقْتِرِ قَدَرَهُ مَتَّعًا بِالْمَعْرُوفِ حَقًّا عَلَى الْمُحْسِنِينَ ٢٣٦

Translation :

There is no obligation to pay (dowry) for you, if you divorce your wives before you mix with them and before you determine the dowry. And let you give a *mut`ah* (gift) to them. People who are capable according to his means and the poor according to his means (too), the provision according to which inappropriate. That is a provision for those who do good.

This verse indicates the permissibility to perform Thalaq onto his wife before sexual intercourse, before giving dowry. This law is of the order of words understood in terms of its origin. This verse also implies the validity of the

contract of women without mentioning dowry, because the divorce did not occur until after the contract is valid.

So due to the grace of Allah you apply gentle towards them. Had yet be harder to be rude, they would abstain from all around you. Because of it forgive them and discuss with them in the affair. Then when you've made up my mind, then put they trust in Allah. Truly Allah loves those who sole trust in Him.

Ibarah texts of the above verse is the public affairs demands must be discussed through deliberation. The implied meaning of these texts is a demand creation deliberative body in the community to facilitate the consultation required by paragraph.

3. The Authority of Dalalah al-Isyarah

The authority of *dalalah al-isyarah* or *isyarah an-nash* is qoth'I, and shall do good with it. But if it conflicts with *ibaratun* texts, then the precedence is *ibaratun nash*, because after *ibarah* stronger than *isyarah*. *Isyarah* an accompanying understanding its *ibarah*.

Understanding by using *dalalah al-'ibarah* weaker when compared with the an-Nash *dalalah* and stronger than *dalalah al-Isyarah*. If *dalalah isyarah* *dalalah* conflict with *al-'ibarah* the main priority is *dalalah al-' ibarah*.

Dalalah nash is the strongest, so it is possible if there is some law in the interpretation of Qur'anic texts lafadz the contrary, it is the preferred use is legal understanding *dalalah al-nash*.

Conclusion

It has been explained that in terms of *dalalah lafziyah* divided into four parts. Which one of these is the division between *dalalah an-nash*. Fourth *dalalah* is not the same position in *istinbath* process. Hanafiyah considers that the most powerful *dalalah dalalah al-'ibarah* and the weakest is *dalalah al-iqtidha*. Sequence according to the Hanafi, *dalalah al-'ibarah*, *dalalah al-isyarah*, *dalalah an-nash* and *dalalah al-iqtidha*.

Dalalah an-nash is show lafadz the legal establishment is said to him (*mantuq bihi*) the law ignored or understood from him because the meaning can be understood from *mantuq bihi* without in-depth study and discussion. *Dalalah* law is qoth'i and compulsory charity with it.

In understanding the Qur'an Sunnah of the Prophet Muhammad is required to describe and explain, but the sunnah is not enough because it is necessary to understand an instrument such as tafsir and fiqh usul sciences. Because sometimes Sunnah also still need some other instrument in understanding and taking legal *istinbath* on it.

One of the subjects in the science of tafsir and fiqh is the science of jurisprudence with respect to *dalalah lafziyah* (appointing a lafadz). *Dalalah lafziyah* is *dalalah* with arguments that are used to give instructions to something in the form *lafadz*, sound or word.

As explained above that *dalalah* lafziyah divided into four parts, one of which is *dalalah al-'ibarah* meaningful understanding of the meaning of lafadz harfiyah understood from the units. *Dalalah* is one method to extract law of the Koran. Legal meaning of this *dalalah* weaker than *dalalah nash* and more powerful than *al-isyarah dalalah*.

To understand the Quran and al-Hadith need pengetahuan about *dalalah al-iqtidha* therefore become a necessity both languages, resourceful, and Personality. Judging from his position as the supreme legal basis is *dalalah al-'Ibarah*, *dalalah al-Isyarah*, *dalalah an-nash* and *dalalah al-iqtidha*.

Thus the discussion of *al-iqtidha dalalah* that one of the models to understand and explore the law (*istinbath*) from the Qur'an and hadith. This method is also an indication that the Qur'an and Hadith are two important sources of Islamic law whose meaning needs to be explored and because it is always open to new interpretation asalkan follow the rules are considered healthy.

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