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NASIKH-MANSUKH AND TARJIH AS ULTIMUM REMEDIUM: RECONSTRUCTION OF THE METHOD FOR RESOLVING TA'ĀRUḌ AL- ADILLAH IN ISLAMIC LAW

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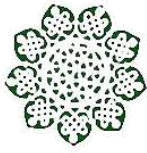
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Abstract: This study reconstructs the methodological hierarchy for resolving apparent contradictions (ta'āruḍ al-adillah) within Islamic legal sources. It critically argues that the theories of nasikh-mansūkh (abrogation) and tarjih (preferential weighting) are often prioritized disproportionately. Through theoretical examination and in-depth case studies, this research positions both theories as ultimum remedium (last resort), while asserting harmonization (al-jam'u) and contextualization (munsa') as the primary methods. This qualitative research with a descriptive-analytical approach utilizes primary data from the works of classical and contemporary scholars. The principle is tested through three critical case studies: the controversy over abrogation claims regarding peace-war verses, claims of contradiction between mutashābih hadiths and the Qur'an, and claims of abrogation concerning the hadith about a deceased person being tormented due to their family's weeping. The analysis confirms that genuine contradiction within revelation is impossible. The three case studies prove that existing contradictions are



apparent (zāhirī) and can be resolved through semantic harmonization and contextual understanding. For example, the relationship between peace and war verses is explained by dynamic contextualization (munsa'), not permanent abrogation. In the case of the hadiths, the approaches of ta'wīl (figurative interpretation) and al-jam'u prove effective in reconciling the texts. In conclusion, nasikh-mansūkh and tarjih should serve as mechanisms of last resort, to be employed only after all efforts at harmonization and contextual interpretation have been exhausted. This article offers a methodological reconstruction in uṣūl al-fiqh by providing a clear hierarchy, challenging hasty conventional applications, and advocating for a paradigm that ensures the unity and contextual wisdom of the Shari'ah.

Keywords: Nasikh-Mansukh, Tarjih, Ultimum Remedium, Ta'arūḍ al-Adillah, Uṣūl al-Fiqh.

Abstrak: Penelitian ini merekonstruksi hierarki metodologis penyelesaian pertentangan lahiriah (ta'arūḍ al-adillah) dalam sumber hukum Islam. Secara kritis, teori nasikh-mansūkh dan tarjih sering diprioritaskan secara tidak proporsional. Melalui kajian teoritis dan studi kasus mendalam, penelitian ini menempatkan kedua teori tersebut sebagai ultimum remedium (jalan terakhir), sambil menegaskan harmonisasi (al-jam'u) dan kontekstualisasi (munsa') sebagai metode utama. Penelitian kualitatif dengan pendekatan deskriptif-analitis ini menggunakan data primer dari karya ulama klasik dan kontemporer. Prinsip diuji melalui tiga studi kasus kritis: kontroversi abrogasi ayat perdamaian-perang, klaim pertentangan hadis mutasyābih dengan Al-Qur'an, dan klaim abrogasi hadis tentang siksa mayit akibat tangisan keluarga. Analisis mengonfirmasi bahwa kontradiksi sejati dalam wahyu mustahil. Ketiga studi kasus membuktikan bahwa kontradiksi yang ada bersifat lahiriah (zāhirī) dan dapat diselesaikan melalui harmonisasi semantis serta pemahaman kontekstual. Misalnya, relasi ayat perdamaian-perang dijelaskan dengan kontekstualisasi dinamis (munsa'), bukan abrogasi permanen. Sementara pada kasus hadis, pendekatan ta'wīl dan al-jam'u terbukti efektif merekonsiliasi teks. Kesimpulannya, nasikh-mansūkh dan tarjih bisa menjadi mekanisme terakhir, setelah upaya harmonisasi dan interpretasi kontekstual dilakukan. Artikel ini menawarkan rekonstruksi metodologis dalam uṣūl al-fiqh dengan hierarki yang jelas, menantang penerapan konvensional yang terburu-buru, serta mengedepankan paradigma yang menjamin kesatuan dan kebijaksanaan kontekstual Syariah.

Kata Kunci: Nasikh-Mansukh, Tarjih, Ultimum Remedium, Ta'arūḍ al-Adillah, Uṣūl al-Fiqh.

INTRODUCTION

In the study of *istinbath al-ahkam* (derivation of legal rulings), we are often faced with a challenging reality: the scriptural evidences (*dalil*) that serve as references for law sometimes appear to contradict one another. This situation naturally demands precision and meticulousness in understanding these texts. In response, scholars have not been passive. They have addressed this challenge by developing various theories and methods of reconciliation, known as *taufiq*, to harmonize seemingly conflicting evidences.

However, not all seemingly contradictory scriptural evidences can be reconciled or compiled together. In such cases, scholars do not stop at mere *taufiq* (reconciliation) but develop other theories as solutions to address conflicting evidences. One such theory is *naskh* (abrogation), which occurs when one ruling is declared to have been abrogated by



another evidence that came later. This theory is used when semantic reconciliation is impossible, there is strong indication that one evidence preceded the other, and there exists an evidence indicating the abrogation. Furthermore, scholars also employ the *tarjih* approach, which involves preferring one evidence over another based on specific criteria, such as the strength of the chain of transmission (*sanad*), the generality of application, or compatibility with other *shar'i* principles.¹

Studies on the theory of *nasikh-mansukh* have been extensively conducted by academics, both in classical and contemporary contexts. However, the approaches, analytical focuses, and epistemological positions taken by each research show significant variation. The first research is an article by Husni Wahab titled "The Theory of *Nasakh Mansukh* in Determining Islamic Sharia Law."² This article positions *nasikh-mansukh* as an important mechanism in the dynamics of Islamic legislation (*tasyri'*), particularly in explaining legal changes according to differing conditions and places. The author emphasizes that *nasikh-mansukh* only applies to the realm of *shar'i* law and does not touch upon aspects of creed (*aqidah*) or universal moral principles. The main contribution of this research lies in its attempt to find a middle ground between groups that accept and reject *nasikh-mansukh* by emphasizing the strict conditions for establishing *naskh*. However, this article remains normative-descriptive, tends to accept the existence of *nasikh-mansukh* as inevitable, and does not test this claim through the analysis of concrete cases of verses or hadith, let alone re-evaluate the urgency of this theory in contemporary *istinbath* practice.

The second research is an article by Muhammad Haris Abdul Hakim titled "Discourse on *Nāsikh-Mansūkh* from the Perspective of Classical and Contemporary Scholars."³ This study systematically maps the views of classical scholars like Imam al-Shafi'i and al-Suyuti and contemporary scholars like Abdul Wahab Khallaf and Muhammad Thaha. This research indicates a shift in the meaning of *nasikh-mansukh* from the concept of "legal abrogation" towards a mechanism of legal flexibility. Although conceptually rich, this research stops at the level of discourse mapping. The article does not implement the theory on specific cases of verses or hadith, nor does it present the author's critical stance or argumentative alignment with any of the existing views. Consequently, the discourse on *nasikh-mansukh* remains positioned as an open discussion without methodological evaluation of its impact on the practice of *tarjih* and legal derivation (*istinbath*).

The third research is a thesis by Aliffia Aswindasari titled "The Historical Dynamics of Jalal al-Din al-Suyuti's Reconstruction of *Nasikh-Mansukh*."⁴ This thesis provides an important contribution by placing the concept of *nasikh-mansukh* within the framework of Karl Mannheim's sociology of knowledge, successfully revealing that al-Suyuti's

¹ Muhammad bin 'Ali bin Muhammad bin 'Abdullah al-Syaukani al-Yamani, *Irsyad al-Fuhul ila Tahqiq al-Haqq min 'Ilm al-Ushul*, (Damaskus - Kafr Batna: Dar al-Kitab al-'Arabi, cet. ke-1, 1419 H/1999 M). Juz 22, Hlm 273.

² Husni Wahab, "Teori Nasakh Mansukh Dalam Penetapan Hukum Syariat Islam," *JURNAL ANNABA': STIT Muhammadiyah Paciran Lamongan* 4, no. 2 (2018): 299-348, <https://ejournal.kopertais4.or.id/pantura/index.php/annaba/article/view/3258>.

³ Muhammad Haris Abdul Hakim dan Aminatur Rosidah, "Nasikh Mansukh dalam Perspektif Ulama Klasik dan Kontemporer," *Canonica Religia* 1, no. 2 (2024): 247-60, <https://doi.org/10.30762/cr.v1i2.2667>.

⁴ Aliffia Aswindasari, "Dinamika Historis Rekonstruksi Nasikh-Mansukh Jalal Ad-Din As-Suyuti" (Masters, UIN Sunan Kalijaga Yogyakarta, 2024), <https://digilib.uin-suka.ac.id/id/eprint/68632/>.



reconstruction was a response to the socio-historical context of his time. This research shows al-Suyuti's tendency to limit the number of abrogated verses to maintain the coherence of the Qur'an. Nevertheless, the focus of this research is still limited to one figure and emphasizes more on the historical-epistemological aspect, rather than on the methodological implications of *nasikh-mansukh* for the practice of *tarjih* and the harmonization of evidence in *usul al-fiqh* more broadly.

Another relevant literature is an article by Ahmad Yusronil Haq titled "The Study of Misrepresented Hadiths on the Internet about Muslim and Non-Muslim Relationships."⁵ Although not directly discussing the theory of *nasikh-mansukh*, this article has significant methodological contribution. The research demonstrates that a number of hadiths often understood literally and exclusively—especially concerning Muslim and non-Muslim relations—are actually not in conflict with the universal principles of the Qur'an when understood through the *fiqh al-hadith* approach and contextual analysis (*asbab al-wurud*). These findings confirm that problematic hadiths are not objects of *nasikh-mansukh*, but rather cases of misunderstanding due to neglect of historical context and the objectives of Sharia (*maqasid al-shari'ah*). Thus, this article implicitly strengthens the present author's argument that conflicts of evidence are often apparent (*zahiri*), not real (*haqiqi*), and can be resolved through harmonization and contextualization, not through abrogation or dismissal of evidence.

Based on this review, the research gap addressed in this article lies in the absence of a study that simultaneously: (1) re-evaluates the theoretical position of *nasikh-mansukh* and *tarjih* in the hierarchy of methods for resolving *ta'arudh al-adillah*; (2) implements such analysis on concrete cases of verses or hadith; (3) explicitly takes a critical argumentative stance against hasty application of *nasikh-mansukh* and *tarjih*.

This article aims to fill this gap by asserting that conflicts of evidence are generally apparent, not real, so approaches like *al-jam'* (combination), *al-taufiq* (reconciliation), and contextualization (*munasabah*) must be prioritized. Thus, *nasikh-mansukh* and *tarjih* are positioned as *ultimum remedium*, not as primary methodological instruments, while offering conceptual and applicative contributions to contemporary Islamic legal discourse.

METHOD

This research uses a qualitative research approach with a descriptive-analytical method through library research. The type of data used is qualitative data sourced from primary and secondary library materials, in line with the characteristics of qualitative research that emphasize the meaning, interpretation, and in-depth analysis of texts.⁶

Primary data in this research is obtained from the works of classical and contemporary scholars who directly discuss the theories of *nasikh-mansukh*, *tarjih*, and the resolution of *ta'arudh al-adillah*, including the statements and thoughts of al-Nawawi, Ibn Khuzaymah, Ibn Hazm, al-Shatibi, al-Zarkashi, and al-Suyuti, as well as contemporary scholars like Ali Mustafa Ya'qub and Abdul Wahab Khallaf. Meanwhile, secondary data in

⁵ Ahmad Yusronil Haq, "the study of misrepresented hadiths on the internet about muslim and non-muslim relationships," *Nabawi: Journal of Hadith Studies* 4, no. 1 (2023), <https://doi.org/10.55987/njhs.v4i1.97>.

⁶ Sugiyono, *Metode Penelitian Kualitatif untuk Penelitian yang Bersifat: Eksploratif, Enterpretif, dan Konstruktif*, Cet. ke-3 (Bandung: Alfabeta, 2018), h. 15.



the form of journal articles, theses, and other relevant supporting literature are used to enrich the analysis and strengthen the theoretical framework of the research.

Data analysis is conducted critically and systematically using content analysis techniques, namely analyzing the content and structure of scholars' arguments regarding the application of *naskh* and *tarjih*. This analysis focuses not only on normative-theoretical aspects but also on the internal logic of each theory, the historical and social context of its use, and its methodological implications in the practice of *istinbath* in Islamic law. Through this approach, the research seeks to discover more fundamental principles in responding to scriptural evidences that appear contradictory on the surface, while simultaneously re-evaluating the position of *nasikh-mansukh* and *tarjih* in the hierarchy of methods for resolving conflicts of evidence.

RESULTS AND DISCUSSION

Basic Principle: The Impossibility of Genuine Contradiction in Revelation

The belief that there is no genuine contradiction in scriptural evidence is rooted in the theological conviction that their source is one, namely Allah SWT, the All-Wise. Ali Mustafa Ya'qub emphasized this. He said: "The apparent contradiction between one hadith and another, or between a hadith and the Qur'an, is essentially superficial in meaning. In reality, there is no contradiction between them because they both originate from the same source, which is revelation from Allah Subhanahu wa Ta'ala. Differences in understanding hadith are relative; a hadith may be considered contradictory to the Qur'an, another hadith, or even common sense by one person, but not by another."⁷ Al-Nawawi, in *Sharh Sahih Muslim*, stated that scholars agree that if two authentic hadiths appear to contradict each other, a way to reconcile them (*al-jam'u*) must be sought; if that is not possible, only then should the path of *naskh* or *tarjih* be taken. However, according to him, "Indeed, it is impossible for two definitively authentic texts to contradict each other, whether two hadiths or a hadith and the Qur'an."⁸ This statement is based on the principle of '*ismat al-Shari*' (the infallibility and freedom from contradiction of the Lawgiver).

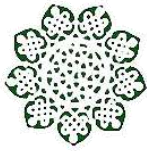
A similar view was expressed by Ibn Khuzaymah (d. 311 AH), a very strict hadith scholar. In the introduction to his *Sahih Ibn Khuzaymah*, he challenged: "I do not know of two authentic hadiths from the Messenger of Allah (PBUH) that contradict each other in meaning. So, anyone who finds two hadiths that he thinks are contradictory should bring them to me so that I can reconcile them."⁹ This statement does not indicate arrogance but a strong belief that with deep knowledge, any apparent contradiction can be resolved through proper interpretation (*ta'wil*) or contextual understanding.

Fundamental support also comes from the *usul al-fiqh* expert, Sheikh Abdul Wahab Khallaf. In his book '*Ilm Ushul al-Fiqh*', he formulated a standard principle: when finding two texts that appear to contradict, it is obligatory to exert *ijtihad* to shift their apparent meaning and seek their true intent, as a form of *tanzih* (exalting) Allah from the attribute of

⁷ Ali Musthafa Yaqub, *Turuq al-Sahihah Fi Fahmi al-Sunnah al-Nabawiyah*, (Jakarta: Maktabah Darussunnah, 2016), Hlm 157.

⁸ Yahya bin Syaraf al-Nawawi, *Syarh al-Nawawi 'ala Shahih Muslim*, (Beirut: Dar Ihya' al-Turath al-'Arabi, 1392 H), jil. 12, hlm. 14.

⁹ Abu Bakr Muhammad bin Ishaq bin Khuzaimah, *Shahih Ibni Khuzaimah*, tahqiq Dr. Muhammad Mustafa al-A'zami, (Beirut: Al-Maktab al-Islami, 1390 H/1970 M), jil. 1, hlm. 65



contradiction.¹⁰ The first obligatory step is the effort of *al-jam'u wa al-taufiq* (combining and reconciling). Only if this is truly impossible should one move to other methods. Thus, in principle, *naskh* and *tarjih* are secondary, not primary, options.¹¹ Considering the statements of the scholars above, it can be concluded that the theories of *nasikh-mansukh* and *tarjih* are almost inapplicable. This is because both theories can only be used if two apparently contradictory evidences are truly irreconcilable. As long as it is possible to reconcile evidences that appear contradictory on the surface (*zahiri*), it is not permissible to immediately proceed to applying the theories of *nasikh-mansukh* or *tarjih*.¹²

Ibn Hazm's Radical Paradigm: Equality of Evidence and the Obligation of Reconciliation

An even more assertive view is championed by Ibn Hazm al-Andalusi (d. 456 AH) of the Zahiri school. In his book *Al-Ihkam fi Ushul al-Ahkam*, he builds an argument that rejects the concept of *tarjih* and restricts *naskh* to only very definitive cases. For Ibn Hazm, all authentic evidence—both verses and hadith—are of equal status because they come from the same source. Therefore, none is more "superior" to be obeyed than another.¹³ Ibn Hazm argues that a Muslim's obligation is to practice all the evidences that seem contradictory. The way is to understand that each applies in a different context (time, place, circumstances). The following is his statement supporting this view: "If two hadiths, two verses, or a verse and a hadith appear contradictory in the opinion of someone without knowledge, it is obligatory for every Muslim to still practice all of them. For, no part of these evidences is more deserving of being practiced than another; no hadith is more obligatory to be obeyed than another similar hadith, and no verse is more primary to be followed than another equivalent verse. All are from Allah 'Azza wa Jalla, and all are equal in terms of the obligation to be obeyed and practiced, without any difference."¹⁴ This approach practically eliminates the need for *tarjih* and severely limits the space for *naskh*, as each piece of evidence remains alive and applicable within its own contextual scope. This paradigm shifts the focus from "choosing evidence" to "finding the field of application" for each evidence.

Critical Case Study: Deconstruction of the Abrogation Claim Regarding Verses of Peace

To test the above theory, a study of the controversy over verses of peace and war is highly relevant. Ibn al-'Arabi al-Maliki (d. 543 AH), in *Ahkam al-Qur'an*, opined that all verses with a conciliatory and peaceful tone (he counted 124 verses) had been completely abrogated by the "Verse of the Sword" (*Ayat al-Saif*), namely QS. At-Taubah: 5.¹⁵ This opinion represents a tendency to easily resolve apparent contradictions with claims of *naskh*. However, this claim faces sharp criticism from scholars who prioritize the approach of reconciliation and contextualization. Al-Shatibi (d. 790 AH) in *Al-Muwafaqat* criticizes that the majority of circulating *naskh* claims, upon closer examination,

¹⁰ Abdul Wahab Khalaf, *Ilm Ushul al-Fiqh*, (Kuwait: Dar al-Qalam, 1406 H/1986 M), cet. ke-13, hlm. 186-188.

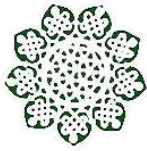
¹¹ Jalaluddin Abdurrahman bin Abi Bakr As-Suyuti, *Tadrib ar-Rawi fi Syarh Taqrib an-Nawawi*, (Riyadh: Dar Tayyibah, tanpa tahun). Juz 2, Hlm 652.

¹² Ibn Rajab Al-Hanbali, *Fath al-Bari Syarh Shahih al-Bukhari*, (Madinah: Maktabah al-Ghurabā' al-Atsariyyah, 1996 M), Juz 6, Hlm 115.

¹³ Abu Muhammad Ali bin Ahmad bin Sa'id bin Hazm, *Al-Ihkam fi Ushul al-Ahkam*, (Beirut: Dar al-Afaq al-Jadidah). Juz 2, Hlm 21.

¹⁴ *Ibid.*

¹⁵ Abu Bakr Muhammad bin Abdullah bin al-'Arabi al-Maliki, *Ahkam al-Qur'an*, tahqiq Ali Muhammad al-Bajawi, (Beirut: Dar al-Kutub al-'Ilmiyyah, 1408 H/1988 M), jil. 2, hlm. 645-646



are actually still possible to reconcile (*al-jam'u*).¹⁶ He explains that the relationship between verses is often not one of abrogation but of clarification (*bayān*), specification (*takhsīs*), or restriction (*taqyīd*). According to him, Ibn al-'Arabi and others were too hasty in establishing *naskh* without prioritizing the highly possible effort of reconciliation.

More systematic criticism comes from Al-Zarkashi (d. 794 AH) and Al-Suyuti (d. 911 AH). Both introduced and strengthened the concept of *al-Munsa'* (or *al-Naskh al-Mu'allaq*—suspended abrogation) as an alternative interpretation. Al-Zarkashi in *Al-Burhan fi 'Ulum al-Qur'an* asserts that the verses of peace are not abrogated but fall into the category of *munsa'*.¹⁷ This means that each command (peace or war) must be implemented at the specific time and situation that constitutes its '*illah*' (legal reason). When that '*illah*' changes (e.g., from a state of peace to a state of being attacked), what changes is the applied ruling, not because one text permanently abrogates another. This is a form of dynamic contextualization, not permanent abrogation (*nasikh haqiqi*). With the theory of *munsa'*, the relationship between QS. Al-Anfal: 61 (which advocates peace) and QS. At-Tawbah: 5 (which commands war) becomes clear: both verses remain valid and applicable. The peace verse applies when the opposing party tends towards peace, while the war verse applies when they fight and break treaties. Thus, the *naskh* claim proposed by Ibn al-'Arabi becomes untenable, as its apparent contradiction has been resolved through contextual understanding.¹⁸

Critical Case Study: Deconstruction of the Claim of Qur'anic Abrogation of Mutashabihat Hadith

The relationship between revelatory texts—especially between the Qur'an and hadith—often sparks methodological debates when an impression of contradiction between them is found. In the tradition of hadith sciences and exegesis, apparent contradiction (*ta'arud*) is usually resolved through several mechanisms such as reconciliation (*al-jam'u*), preference (*al-tarjih*), or in certain cases, claims of abrogation (*naskh*). However, claims of *naskh* against hadiths considered contradictory to the Qur'an need to be critically deconstructed, especially in dealing with *mutashabihat* hadiths that literally seem to ascribe physical attributes to Allah. One important case is the hadith "Ayna Allah?" (Where is Allah?).

Several scholars like Al-Kawthari rejected the hadith "Ayna Allah?" with the argument that it contradicts the basic principles of creed affirmed in the Qur'an, especially the verse "الَيْسَ كَمِثْلِهِ شَيْءٌ" (QS. Ash-Shura: 11), which affirms Allah's dissimilarity to His creation. Literally, this hadith seems to assign a "place" for Allah in the sky, contradicting the belief in His transcendence. Additionally, Al-Kawthari also judged this hadith as containing *idtirāb* (inconsistency) in its chain (*sanad*) and text (*matn*), due to the existence of many differing narrational variants that are difficult to reconcile, thus, according to him, this hadith is categorized as *muḍṭarīb* (inconsistent) and cannot be practiced.¹⁹

¹⁶ Abū Ishāq Ibrāhīm bin Mūsā al-Lakhmī al-Syātibī, *Al-Muwāfaqāt* (Dammam: Dār Ibn 'Affān, cet. 1, 1417 H/1997 M). Juz 3, Hlm 340.

¹⁷ Badruddin al-Zarkasyi al-Syafi'i, *al-Burhan fi Uham al-Quran*, (Dar Ihya al-Kutub al-'Arabiyyah, 1957 M, cet 1), Juz 2, Hlm 42.

¹⁸ Jalaluddin Abdurrahman bin Abi Bakr As-Suyūṭī, *Al-Itqān fi 'Ulūm al-Qur'ān*, (Kairo: Al-Hay'ah al-Miṣriyyah al-'Āmmah li al-Kitāb, 1394 H/1974 M), Juz 3, Hlm 78.

¹⁹ Al-Kautsari, Takmilah al-Saif al-Shaqil (al-Maktabah al-Azhariyyah), 95



In contrast to the rejection approach, the majority of other scholars such as Ibn al-Jawzi, Al-Qurtubi, Ali al-Qari, Al-Baji, and Al-Suyuti accepted the authenticity of this hadith but rejected the literal interpretation that could lead to *tashbīh* (anthropomorphism). They proposed *ta'wil* (figurative interpretation) as a solution to harmonize the hadith text with the creedal principles established by the Qur'an. In this context, *ta'wil* does not mean changing the text but directing its meaning towards one that is consistent with linguistic context and creed.

With regard to the interrogative term "ayna," The word "Ayna" is not interpreted as a question about physical "place," but as a question about Allah's status (*martabah*) or majesty (*jalal*). In Arabic rhetoric, the interrogative "where" (أَيْنَ) is often used to ask about status or rank, as in the expression "Where is he among the poets?" meaning his position or excellence.

Similarly, the reference to "al-samā'". Interpretation of the phrase "al-Sama'" is not interpreted as assigning a direction or physical location, but as a symbol of Allah's elevated status, majesty, and absolute sovereignty. In linguistic and cultural tradition, the sky is often a metaphor for something high, noble, and inaccessible.²⁰²¹²²²³²⁴

The *ta'wil* approach undertaken by the scholars above is essentially a manifestation of the *al-jam'u* (reconciliation) method taught in the sciences of hadith terminology (*mustalah al-hadith*) and *usul al-fiqh*. Rather than being trapped in the dichotomy of "accept or reject," they chose to accept the hadith text while protecting creedal principles through contextual interpretation that does not contradict definitive texts (*nusus qat'iyyah*).²⁵

This aligns with the principle emphasized by Al-Suyuti and Al-Zarkashi that not all apparent contradictions necessitate claims of *naskh* or rejection. In many cases – including the hadith "Ayna Allah" – the impression of contradiction arises from a superficial literal understanding, not from a genuine contradiction between authentic evidences.

Critical Case Study: Deconstruction of the Abrogation Claim Regarding Hadiths on Mourning the Deceased

The debate concerning the authenticity of hadiths about "the deceased being punished due to the family's weeping" is an interesting case in the study of *ta'arud al-hadith* (contradiction between hadiths), as well as a test of the methodology for resolving seemingly contradictory texts. This phenomenon also shows how claims of abrogation (*naskh*) or rejection of hadith often arise from failure in conducting linguistic, contextual, and harmonization analyses between texts.

It is narrated from several companions like Ibn Umar and Ibn Abbas that the Prophet (PBUH) said:

إِنَّ الْمَيِّتَ لَيُعَذَّبُ بِبُكَاءِ أَهْلِهِ

"Indeed, the deceased is punished because of the weeping of his family."²⁶

²⁰ Ibnu al-Jauzi, al-Baz al-Asyhab (Dar al-Jinan, 1987 M), 93

²¹ Al-Qurtubi, al-Tidzkar fi Afdlal al-Adzkar (Damaskus: Maktabah Dar al-Bayan, cet. Ketiga, 1987 M) 22-23

²² Al-Mula Ali al-Qari, Mirqat al-Mafatih, (Lebanon: Dar al-Fikr, cet. Pertama, 2002 M), 5, hal. 2156

²³ Al-Suyuthi, Tanwir al-Hawalik (Mesir: al-Maktabah al-Tijariyah al-Kubra, 1969 M), 3, hal. 6

²⁴ Al-Bajiy, al-Muntaqa Syarh al-Muwatha' (Mesir: Mathba'ah al-Sa'adah, cet. Pertama, 1332 H), 6, hal. 274.

²⁵ Muhammad Royyan Faqih Azhary dkk., "Understanding Of The Ayna Allah Hadith: An Interdisciplinary Tahlili Study," *Nabawi: Journal of Hadith Studies* 5, no. 2 (2025): 2, 236, <https://doi.org/10.55987/njhs.v5i2.156>.

²⁶ Muslim, Shahih Muslim, kitab: al-Janā'iz, bab: al-Mayyit Yu`addzib bi Bukā; Ahlih `Alaih, Jilid 1, hlm. 408.



When this hadith reached Sayyidah Aisha (may Allah be pleased with her), she criticized: "May Allah forgive Ibn Umar!" According to Aisha, Ibn Umar did hear that hadith, but did not remember it completely. The actual context was when the Prophet (PBUH) passed by the funeral of a Jewish woman whose family was weeping over her, he said:

إِنَّهُمْ يَبْكُونَ عَلَيْهَا وَإِنَّهَا لَتُعَذَّبُ فِي قَبْرِهَا

"They are weeping over her, while she is being punished in her grave."²⁷

Thus, the punishment was not caused by the family's weeping but by the deceased's own bad deeds. Aisha's critical response shows that apparent contradiction between narrations does not automatically necessitate rejecting one of them but requires investigation of context and deeper understanding.

Resolution through al-Jam'u wa al-Ta'wil.

The primary method for resolving contradiction is *al-jam'u* (reconciliation) by interpreting (*ta'wil*) the text according to a meaning justified by other evidence. In this case, the key term *al-buka'* (weeping) needs to be examined carefully:

From Linguistic and Contextual Meaning. The word *al-buka'* linguistically means crying, whether with or without sound.²⁸ However, the majority of scholars like Al-Nawawi and Ibn Qudamah opined that what is meant in this hadith is *al-niyaha* (wailing/loud lamentation), which is crying accompanied by loud sounds, excessive utterances, or expressions opposing divine decree.²⁹³⁰

Support from Other Hadiths and Qur'anic Verses. Just as Allah says in QS. Nuh: 7 using the word "*al-asabi'*" (fingers) while meaning "*al-isba'*" (one finger), the use of a general term for a specific meaning is common in Arabic rhetoric. Other hadiths narrating Umar (may Allah be pleased with him) forbidding wailing (*al-nawaha*) near his death clarify that what is meant is wailing, not merely ordinary crying.³¹

Corroboration from Hadith Scholars' Classification. Hadith experts like Al-Bukhari,³² Al-Nasa'i,³³ and Ibn Majah³⁴ placed these hadiths in the chapter on "*al-Niyaha*" (wailing/lamentation), not the general chapter on "*al-Buka'*" (weeping). Al-Nawawi in *Riyad al-Salihin* explicitly permits crying without wailing. Therefore, he included the hadith in the chapter on the Permissibility of Weeping for the Deceased Without Wailing.³⁵

This case shows that claims of *naskh* or genuine contradiction often arise from a literal understanding without an effort at harmonization. Through the method of contextual *ta'wil*, the hadiths about family weeping need not be rejected or considered

²⁷ *Ibid.*, hlm. 411

²⁸ Ibn Manzhûr, *Lisân al-`Arab* (Beirut: Dâr Shâdir, t.th.), cet. I, Jilid IX, Jilid. I, hlm. 34

²⁹ al-Nawâwî, Syarah Shahîh Muslim (Makkah al-Mukarramah: Maktabah Nazzâr Mushtafâ al-Bâz, 2001), cet. II, jilid 4, hlm. 1534

³⁰ Abu Muhammad Muwaffiq al-Dîn Abdullah bin Ahmad bin Muhammad bin Qudâmah, *al-Mughnî fî Fiqh al-Imâm Ahmad bin Hanbal al-Syaibânî* (Kairo: Hijr li al-Thabâ'ah wa al-Nasyr, 1992), cet. II, jilid III, hlm. 495

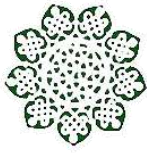
³¹ Ahmad bin Muhammad al-Qasthallânî, *Irsyâd al-Sâri*; Syarah Shahîh al-Bukhârî (Beirut: Dâr al-Fikr, t.th.), jilid II, hlm. 403

³² Ibn Hajar al-Asqalânî, *Fath al-Bâri bi Syarh Shahîh al- Bukhârî* (Kairo: Dâr al-Rayyân li al-Turâts, 1990), jilid. III, hlm. 152

³³ Al-Nasa'î, *Sunan al-Nasâ'î*, kitab: al-Janâ'iz, bab: al-Niyâhah `Ala al-mayyit, jilid II, hlm. 443-444

³⁴ Ibn Majah, *Sunan Ibn Mâjah*, kitab: Mâ Jâ'a fî al-Janâ'iz, bab: Mâ Jâ'a fî al- Mayyit Yu`addzib bi Mâ Nuyih `Alaih, juz I, hlm. 406

³⁵ Al-Nawâwî, *Riyâdh al-Shâlihîn min Kalâm Sayyid al-Mursalin* (Kairo: Dâr Ibn al-Jauzî, 2006), cet. I, hlm. 246



contradictory to the principle of Allah's justice ("no bearer of burdens will bear the burden of another," QS. Al-An'am: 164), but understood as a specific prohibition against the form of weeping that is excessive and violates the Sharia.

Through linguistic, narrational, and contextualization approaches, hadiths that at first glance seem contradictory can be harmonized without needing to use claims of abrogation (*naskh*) or rejection of one of them. This is consistent with the *usul* principle:

إِذَا أُمِّكِنَ الْجَمْعُ بَيْنَ النَّصُوصِ فَلَا يُعَدَّلُ إِلَى التَّنَاقُضِ أَوْ النَّسْخِ

"If it is possible to reconcile between texts, one should not turn to assuming contradiction or abrogation."³⁶

A similar principle is also affirmed by Al-Suyuti in *Al-Ashbah wa al-Naza'ir*, where he states:

إِذَا أُمِّكِنَ الْجَمْعُ بَيْنَ النَّصُوصِ وَلَمْ يَنْعَدَّرْ فَلَا يَصِحُّ الْعُدُولُ عَنْهُ إِلَى النَّسْخِ

"If it is possible to reconcile (harmonize the meanings) between the textual evidences (*nusus*) and it is not impossible, then it is not valid to shift from that method (reconciliation) to (the method of) *naskh* (abrogation)."³⁷

Thus, this critical study of the hadiths on mourning the deceased not only strengthens the methodology for resolving textual contradictions but also provides an example in addressing differences in narrations with a constructive, deep, and principle-based approach grounded in the integrity of Sharia.

The same principle applies to the theory of *tarjih*. If the contradiction is only apparent and each evidence has its context, then the effort to "prefer" one evidence over another absolutely becomes problematic. *Tarjih* often overlooks the possibility that evidence "weaker" in terms of chain or generality of wording might actually be intended for a different specific context. The approach of Ibn Hazm and the logic of *munsa'* implicitly suggest that "contextual validation" is more primary than "*tarjih* of evidence."³⁸ This means that the effort to determine which context is relevant to the contemporary situation is more important than debating the abstract superiority of one text over another.

CONCLUSION

Based on an in-depth analysis of the theory and its application in concrete case studies, this research arrives at an affirmation consistent with the strict guidelines provided by the classical *usul al-fiqh* theoretical framework. The core of this affirmation is a reorientation of the methodological hierarchy in responding to scriptural evidences that appear contradictory on the surface. The foundation of the entire discussion is rooted in a firm theological belief that claims of genuine contradiction between revelations are very rare, even nearly impossible to find, given the unity of their source. This belief is not an abstraction but an operational principle firmly held by scholarly authorities, from Al-Nawawi, Ibn Khuzaymah, Abdul Wahab Khallaf, to Ibn Hazm. They consistently affirm that what appears as contradiction is generally superficial in nature.

³⁶ Badr al-Din al-Zarkashi, *Al-Baḥr al-Muḥīṭ fī Uṣūl al-Fiqh*, ed. Muḥammad Muḥammad Tāmīr (Beirut: Dār al-Kutub al-ʿIlmiyyah, 2000), jil. 5, hlm. 121

³⁷ Jalāl al-Dīn al-Suyūṭī, *Al-Ashbāh wa al-Nazā'ir fī Qawā'id wa Furū' Fiqh al-Shāfi'īyah* (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1403 H), hlm. 181.

³⁸ Abu Muḥammad Ali bin Ahmad bin Sa'id bin Hazm, *Al-Iḥkam fī Ushul al-Aḥkam*, (Beirut: Dar al-Afaq al-Jadidah). Juz 2, Hlm 25.

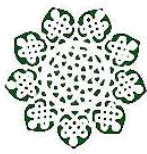


Therefore, this research concludes that reconciliation (*al-jam'u*) and contextualization (*al-munasabah wa al-munsa'*) must be established as the primary and foremost methods. This approach demands deep knowledge, linguistic precision, and sensitivity to understand the contextual, chronological, and substantive relations behind the text. Its resilience is clearly proven in the case studies: the concept of *munsa'* successfully explained the dynamic of peace-war verses without abrogation, careful *ta'wil* reconciled *mutashabihat* hadith with creed, and contextual analysis revealed specific meanings in the hadith on mourning. Conversely, the theories of *nasikh-mansukh* and *tarjih* should be positioned as emergency solutions (*al-hall al-istithna'i*) or last resorts (*ultimum remedium*). Both should only be used when all harmonization efforts have truly reached a dead end. Their hasty application, without being preceded by a maximal effort to understand and reconcile, risks reducing the breadth, flexibility, and perfection of Islamic Sharia designed for diverse circumstances.

The implication of this hierarchy reconstruction is the importance of a more holistic and integrative approach in understanding and applying Islamic law. The process of meaning extraction is encouraged to prioritize a paradigm that preserves the unity of revelation, by constantly striving to find common ground and the field of application for each piece of evidence before resorting to the option of abrogation or preference. Thus, understanding of Sharia can maintain its coherence, be able to answer the complexities of issues more elegantly and comprehensively, and remain faithful to the principle that all Islamic teachings are manifestations of divine wisdom that is perfect and complementary.

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