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The Arabic Language Contribution to The *Istinbāt* in Islamic Law of Acehese Scholars

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Abstract: This article discusses the contribution of the Arabic language to the *istinbāt* in Islamic law of Acehese scholars. The purpose of this journal is to identify the contribution of the Arabic language to the practice of Islamic law. This research is qualitative research using the descriptive analysis method by describing and identifying the influence and contribution of the Arabic language on Islamic legal *istinbāt* among Acehese scholars. The results of the findings of this study indicate that the primary sources for performing Islamic legal *istinbāt* are the Qur'an, *hadīṣ*, *ijmā'*, and *qiyās*, all of which are written in the Arabic language. Importantly, the Arabic language greatly contributes to legal *istinbāt* among Acehese scholars, the more a cleric understands in the Arabic language, the easier it is to practice law, and it is important for scholars to master the Arabic language and its literature, such as *balaghah*, *ma'āni*, *badi'*, *bayān*, *majāz*, *nahwu* and *sharf* because to understand the Arabic language is the inseparable and correlated understanding between sciences which is an integral unit, so that if a scholar performs Islamic law *istinbāt* but does not understand the Arabic language sciences, the legal *fatwa* he issued will be doubted.

Keywords: Arabic language, *istinbāt*, Acehese scholar

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Abstrak: Artikel ini membahas tentang kontribusi bahasa Arab terhadap *istinbāt* hukum Islam ulama Aceh. Tujuan dari penulisan jurnal ini adalah untuk mengidentifikasi kontribusi bahasa Arab dalam *istinbāt* hukum Islam. Penelitian ini merupakan penelitian kualitatif dengan menggunakan metode deskriptif analisis dengan menguraikan dan mengidentifikasi pengaruh dan kontribusi bahasa Arab pada *istinbāt* hukum Islam di kalangan ulama Aceh. Hasil dari temuan dari penelitian ini menunjukkan bahwa sumber primer dalam melakukan *istinbāt* hukum Islam adalah Alquran, hadist, *ijmā'*, dan *qiyās*, semuanya tertulis dalam bahasa Arab, dalam *istinbāt* hukum Islam harus merujuk kepada sumber-sumber tersebut, sehingga penguasaan bahasa Arab sangat penting dan yang paling utama, bahasa Arab sangat berkontribusi dalam *istinbāt* hukum di kalangan ulama Aceh, semakin paham seorang ulama akan bahasa Arab, maka semakin mudah dalam *istinbāt* hukum Islam dan penting bagi ulama untuk menguasai bahasa Arab dan sastranya, seperti ilmu *balaghah*, *ma'āni*, *badi'*, *bayān*, *majāz*, *nahwu* dan *sharaf* karena untuk memahami bahasa Arab tidak terlepas dan saling berkorelasi pemahaman antar ilmu yang merupakan suatu kesatuan yang integral, sehingga apabila seorang ulama melakukan *istinbāt* hukum Islam tetapi tidak paham tentang ilmu-ilmu bahasa Arab, maka akan diragukan fatwa hukum yang dikeluarkannya.

Kata Kunci; Bahasa Arab, *istinbāt*, ulama Aceh.

Introduction

A language is a tool for communication, so language is an essential element in life. Language is a clear sign of good and bad personality, a sign of a clear sign of family and nation, a clear sign of the virtue of humanity.² Language is words both in spoken and written form. Language becomes a communication tool for humans used to actualize themselves, a tool to convey all their needs and think.³

Arabic is the language of science, not only the language of daily communication between speakers. More than that, Arabic is a language in

¹Sami Sulieman Al-Qatawneh, et al., "The Representation of Multiple Intelligences in an Intermediate Arabic-Language Textbook, and Teachers' Awareness of Them in Jordanian Schools," *Heliyon* 7, no. 5 (2021), p.2, <https://doi.org/10.1016/j.heliyon.2021.e07004>.

²Muhbib Abdul Wahab, "Peran Bahasa Arab dalam Pengembangan Ilmu Dan Peradaban Islam," *ARABIYAT: Jurnal Pendidikan Bahasa Arab dan Kebahasaaraban* 1, no. 1 (2014). <https://doi.org/10.15408/a.v1i1.1127>.

³Asni Furoidah, "Peran Bahasa Arab Dalam Pengembangan Ilmu Dan Peradaban Islam Di Masa Daulah Abbasiyah (Studi Literatur)," *Al-Fusha : Arabic Language Education Journal* 2, no. 1 (2020). <https://doi.org/10.36835/alfusha.v2i1.352>.

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conveying knowledge that becomes a forum for transmitting and transferring discourses of thought and scientific works.

Learning Arabic in a good way and by grammar will form correct knowledge and help individuals be knowledgeable in specific fields and skills in Arabic language.⁴ At least three basic reasons make Arabic language has an important and urgent role. *First*, Arabic language is one of the world's main languages, with around 300 million speakers in twenty-two Arab countries. In 1974, Arabic ratified as one of the sixth official languages at the *United Nations* (UN) forum.⁵ *Second*, Arabic languages are the language of the Qur'an, the holy book of Muslims, which is believed to be a guide that amounts to about one billion people. *Third*, As a language that is in the Semitic language family, Arabic has many unique linguistic characteristics, such as in writing from right to left, many nouns that are not found in English, differentiating word types based on gender (*mużakar* and *muannas*), having The root of the word, Arabic itself is also compared to other Semitic languages which have its uniqueness.⁶

In linguistics, the language that still maintains its originality is Arabic language, with a language meaning that does not recognize childhood and old age in the sense that it always exists (*lughah ashilah, laisa lahā tufūlah wa laisa lahā syaikhūkhah*).⁷ Compared to other languages, Arabic language has its wealth and treasures and characteristics, such as linguistic, pragmatic, sociocultural, humanistic dimensions and the results of Arabic as part of a branch of religious science, namely *sharī'a*, which is integratively very closely related with Arabic language.

A very relevant representative is in the context of the study of fiqh when involving Islamic law, which is quoted from the texts of the Qur'an, *hadīs* and *ijmā'* of the scholars, in the legal *istinbāt* method in *uṣūl* fiqh everything is in Arabic language text whose meaning can only be understood using a language approach. Arab. Of course, can only be understood all of this if someone who gives legal *fatwa* must be able to understand Arabic literature clearly.⁸

⁴Mahyudin Ritonga, et al., "Analysis of Arabic Language Learning at Higher Education Institutions with Multi-Religion Students," *Universal Journal of Educational Research* 8, no. 9 (2020), <https://doi.org/10.13189/ujer.2020.080960>.

⁵Ibrahim Al-Huri, "Arabic Language: Historic and Sociolinguistic Characteristics," *English Literature and Language Review* 1, no. 4 (2015).

⁶Kees Versteegh, *The Arabic Language: Second Edition, The Arabic Language: Second Edition*, 2014. ¹⁰

⁷Abd. Al-Salim Mukram, *Al-Lughah Al-Arabiyyah Fi Rihab Al-Qur'an Al-Karim* (Kairo: 'Alam al-Kutub, 1995). p. 3.

⁸Furoidah, "Peran Bahasa Arab Dalam Pengembangan Ilmu Dan Peradaban Islam Di Masa Daulah Abbasiyah (Studi Literatur)."

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In Aceh, where most of the population is Muslim and based on the *Syāfi'iyyah* sect,⁹ of course, urgently needs answers to legal problems faced in everyday society. These people face new legal problems that have never existed before in the context of classical fiqh. The scholars are required to provide answers to these problems, and they will refer to the rules that exist in the fiqh literature, all of which use Arabic language. Hence, it is important and very urgent for the scholars as a place of reference for this ummah to be able to read Arabic language literature and the science of tools to can understand Arabic language texts, so as not to be wrong in giving legal *fatwa*, because if you misunderstand the Arabic language texts in classical books, it will lead to errors in *fatwa* and answer contemporary problems in society.

Thus, understanding Arabic language comprehensively is an inseparable part of the *fatwa* and provides answers related to fiqh issues faced by the people in Aceh. Furthermore, departing from the conceptual description above, the researcher will discuss in more detail and comprehensively the “The Arabic Language Contribution To The *istinbāt* In Islamic Law of Acehnese Scholars”.

The author's observations and analysis confirm that no previous research has been found that explicitly examines Arabic language contributing to Islamic legal *istinbāt*, moreover on the issue of Islamic law *istinbāt* in Aceh conducted by Acehnese scholars. However, the authors have found at least three studies previously; *first*, that Arabic language contributes to the Islamization of mass media in Malaysia, the *7* study shows that Arabic language is one of the leading causes of Islamization in Malaysia with the emergence of Javanese writing, and the use of Arabic language on television for Islamic programs and so on.¹⁰ Second, the influence of Arabic on the establishment of Islamic law, in this study only focused on his research on the ambiguity of Arabic language *lafadz*, as for the findings, ambiguity in single words, single words due to differences in character and plurality of words.¹¹ Third, Zulfiah's research on the influence of the science of *nahwu istinbāt* fiqh law, the study only involves the existence of *nahwu* science from the side of *qawā'id nahwiyyah*, such as *ta'liq ṭalāq, wuḍū'*,

⁹T. Wildan, et al., “Thinking of Kalam Ulama Aceh XX Century Shaykh Mudawali Al-Khalidi (1917-1961),” *Budapest International Research and Critics Institute (BIRCI-Journal) : Humanities and Social Sciences* 2, no. 4 (2019), p. 657–65, <https://doi.org/10.33258/birci.v2i4.679>.

¹⁰Farah Ayuni Mohd Husni et al., “The Contributions of Arabic Language in the Islamization of Mass Media in Malaysia,” *Al Hikmah International Journal of Islamic Studies and Human Sciences* 4, no. Special Issue (2021), <https://doi.org/10.46722/hkmh.4.si.f21>.

¹¹Ahmad Syarifudin, et al., “Pengaruh Pemahaman Bahasa Arab Terhadap Istinbāt Hukum Fikih,” *NUKHBATUL 'ULUM: Jurnal Bidang Kajian Islam* 7, no. 2 (2021), <https://doi.org/10.36701/nukhbah.v7i2.411>.

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and *mustahiq zakāh*, even though the problem of fiqh using *istinbāt* is quite extensive and how to understand Arabic language is not only using *nahwu* but all Arabic language grammar that supports it comprehensively.¹²

The methodology in this research is descriptive analysis with the type of field research using a qualitative approach, while the primary data used are interview techniques and field observations and literature review. The data collection technique in this study will interview Acehese scholars in-depth and analyze the contribution of Arabic language to Islamic legal *istinbāt*. Then analyzed The collected data was in-depth about the contribution of the Arabic language in performing Islamic legal *istinbāt* by Acehese scholars.

Arabic Language and Islamic Law *Istinbāt*

Arabic language and Islamic law *istinbāt* are two related studies and cannot be separated. If a scholar wants to do *istinbāt* in Islamic law, he must and should not will not be confronted with Arabic language texts as the language used in Islamic law *istinbāt* literature.

Historically, Arabic language is cognate with Semitic languages that first appeared in Saudi Arabia. Arabic is the most widely spoken and spoken language compared to other Semitic languages. Arabic language is also still closely related to Hebrew. At this time, modern Arabic language is grouped as one macro language in twenty-seven sub-languages. These languages are communicated throughout the Arab world, but standard Arabic language is known throughout the Islamic world.¹³

Arabic language is a sentence that the Arabs communicate in conveying their goals and intentions.¹⁴ And sounds that are meaningful and consist of some *hijāiyyah* letters¹⁵ The author understands that Arabic language is a medium for communicating and interacting socially with the community through oral and written, which consists of several *hijāiyyah* letters.¹⁶

¹²Zulfiah Sam, Saadal Jannah, and Wahyuni Ishak, "Ilmu Nahwu Dan Pengaruhnya Terhadap Istinbat Hukum Fikih," *Nukhbatul 'Ulum: Jurnal Bidang Kajian Islam* 7, no. 1 (2021). <https://doi.org/10.36701/nukhbah.v7i1.294>.

¹³Kamarudin Salleh, "Arabic as a Language between Qur'anic (Sacred) and Historical Designations," *Millah* 7, no. 1 (2007), p. 109–23, <https://doi.org/10.20885/millah.vol7.iss1.eng.art5>.

¹⁴Syauqi Dhaif, *Al-Mu'jam Al-Wasith* (Kairo: Maktabah Asy-Syuruq ad-Dauliyyah, 2011).

¹⁵Yan Septiana Prasetiadi, "Analisis Komparatif Jāmi Ad-Durūs Al-'Arabiyyah Dan Mulakhash Qawā'id Al-Lughah Al-'Arabiyyah," *Kalamuna: Jurnal Pendidikan Bahasa Arab Dan Kebahasaaraban* 1, no. 6 (2020), <https://doi.org/10.52593/klm.01.1.04>.

¹⁶Ibrahim Mustafa, *Al-Mu'jam Al-Wasit*, Istanbul: Al-Maktaba al-Islamiyyah, 2004. p. 831.

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The definition of Arabic language is put forward by the two *muḥaqqiq lughawī* above; basically, the content and the editorial are different, but the intent and purpose are the same. Therefore, the author understands that Arabic language is a tool in the form of *hijāiyyah* letters used by Arabs in communicating and interacting socially both orally and in writing.¹⁷

It can be shown that the existence of Arabic language in its further development, many non-Arab countries have used Arabic language as a language in their daily communication. Many Islamic boarding schools use Arabic as their daily conversation in Indonesia itself, and many Arabic language words are also absorbed into Indonesian. This all shows that Arabic language has significance and contribution in the eyes of the world.¹⁸ It proves the high position of the Arabic language and has an important role in the international world.¹⁹

Efforts to *istinbāt* Islamic law will not produce adequate results without the right approach and mastery of the Arabic language and its grammar. Of course, this approach is related to legal sources. Experts develop two approaches in doing *istinbāt*, namely through linguistic rules and the introduction of the intent of the *sharī'ah*.⁴

Istinbāt comes from the word “*nabt*” which means: “the water that first springs out of the dug well”. Thus, according to the language, the meaning of *istinbāt* is “to get something out of hiding”. After being used as a term in the study of Islamic law, the meaning of *istinbāt* becomes “an attempt to remove the law from its source”. The meaning of this term is almost the same as *ijtihād*. The focus of *istinbāt* is the sacred text of the verses of the Qur'an and the traditions of the Prophet. Therefore, understanding, extracting, and formulating laws from these two sources is called *istinbāt*.²⁰

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¹⁷Mourad Brouer and Abderrahim Benabbou, “ATLASLang NMT: Arabic Text Language into Arabic Sign Language Neural Machine Translation,” *Journal of King Saud University-Computer and Information Sciences* 33, no. 9 (2021): p.132, <https://doi.org/10.1016/j.jksuci.2019.07.006>.

¹⁸Siti Bahriah, *Afaq 'Arabiyyah*, Jakarta: UIN Syarif Hidayatullah, 2008, p.3.

¹⁹Jonathan Owens, “The Arabic Grammatical Tradition,” *The Semitic Languages* 5, no. 3 (2013): 46–58, <https://doi.org/10.4324/9781315002682-13>.

²⁰Ainol Yaqin, “Yūsuf Al-Qarḍāwī's *Istinbāt* Method and Its Implementation in the Moderation of Islamic Law,” *Al-Ahkam* 31, no. 1 (2021), <https://doi.org/10.21580/ahkam.2021.31.1.7075>.

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¹ *istinbāt* is a rule in *fiqh* principles. Linguistically the word *istinbāt* comes from Arabic, namely “استنبط - يستنبط - استنباط”²¹ which means issuing, giving birth, digging and others. The root word is “(الماء)” means rising water that comes out of the ground.²² Thus, according to the language, the meaning of *istinbāt* is about removing something from its hidden hiding place.

As for the definition of *ijtihād* according to the term *uṣul al-fiqh* scholars, ¹ there are many variations with several editorials. However, according to the author’s opinion, even with the diversity of the editors, it does not show substantial differences. Some of the definitions are:

استخراج المعاني النصوص الذهن القريحة

Meaning: “Removing the meanings of the texts (contained) by shedding instinctive thoughts and abilities (potentials)”.²³

Al-Munawir’s Arabic-Indonesian dictionary states that what is meant by *istinbāt* is extracting or issuing law from its source.²⁴ *istinbāt* is also interpreted as: “removing the legal content of the texts contained in the Qur’an and Sunnah, with the sharpness of reason and optimal ability”.²⁵

From the definition above, there are two things can be understood. First, the essence of instinct is the effort to produce legal provisions from their sources, both those contained in the Qur’an, Sunnah, and other evidence. Secondly, based on the description above, it is underlined that the term *istinbāt*, according to Islamic legal theorists, is somewhat synonymous with *ijtihād*. As it is known that the definition of *ijtihād*, according to the theorists of Islamic law, is an effort to devote all the capabilities of the faqih in issuing ‘*amaliyyah*’ laws from detailed arguments, although there are also differences in their realization.

The purpose of Islamic law instinct is to establish law through the rules of the Islamic law that have been set by the scholars relating to all individual actions or words that have been imposed by law. Furthermore, the legal rules are used as a medium to analyze *syar’ah* law by knowing and understanding solid legal sources, later if there is a contradiction between the two sources of law and

²¹Al-Syatibi, *Al-Muwafaqat*, Makkah: Dar al-Baz li an-Nasyr wa at-Tawzi, 1998, p.109.

²²Abdul Wahab Khallaf, *‘Ilm Al-Uṣul Fiqh*, Kairo: Maktabah Islama‘iliyah, 2002, p.175.

²³Al-Asnawi, *Nihayah Al-Uṣul Fi Syarah Minhaj Al-Wuṣul Fi Ilmi Al-Uṣul*, Mesir: Mansyurat al-Maktab al-Islami, 1998, p.356.

²⁴Ahmad Warson Munawar, “Kamus Arab Indonesia Al Munawir,” Surabaya: Pustaka Progresif, 1997.

²⁵Hasanuddin, *Perbedaan Qira’at Dan Pengaruhnya Terhadap Istinbath Hukum Dalam Al-Qur’an*, Jakarta: Raja Grafindo Persada, 1997, p.186.

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understanding the differences of opinion of fiqh experts in determining legal decisions in ¹ particular case.

The ways to obtain these rules can be found in three ways. First, it is a direct formulation of the Qur'an or *Hadīṣ*. As the rule "there is no loss and loss" (*lā dharāra wa lā dhirāra*) is the word of the Prophet which reads like that. The second is concluded inductively from a number of al-Qur'an or *Hadīṣ* texts such as the rule "difficulty brings convenience" which is concluded from a number of verses of the Qur'an that provide dispensation and convenience in terms of implementing the provisions of *syarāḥ* law. Deduced Inductively from the legal provisions of similar detailed cases. For example, in a sale and purchase contract there is a provision in the form of a sale and purchase contract that is based on the pleasure (approval, consent) of the parties.²⁶

In relation to this explanation, the scholars have succeeded in formulating the method of *syara'* law. It has been described in detail in fiqh books. A *mustanbiṭ* (instinctual legal actor) will not want to carry out *istinbāt* without its urgency, while the urgency of Islamic law *istinbāt* is to know the reasons, positions, the process of determining the law as well as tracing the legal *istinbāt* method used by scholars and being a solution to problems for which no legal provisions have been determined.

Based on the details above, it is possible for *mustanbiṭ* to go into more detail, either adding or reducing the urgency of legal instincts in general. This all depends on the side of thinking and the point of view of the *mustanbiṭ* (lawful *istinbāt* actor) itself.

Ambiguity in Arabic Language

The advantages and uniqueness of Arabic language, which is the language of the Qur'an, all scholars agree on this point. In addition, other languages do not share the advantages of Arabic language. Arabic language is extensive and rich in vocabulary, descriptions, content, and detailed explanations.²⁷ According to Arabic linguists, there are 25 million Arabic language vocabularies and many ambiguous vocabularies.²⁸

Ambiguity in Arabic language can occur with several factors causing it, and there are at least five of the most important among them are: *First*, differences

²⁶Ibn Qaimiyah, *Majmu'at Al-Fatawa, Di Edit Oleh Amir Al-Jazzar Dan Anwar Al-Baz*, Mesir: Dar al-Wafa li-attabi'ah wa al-Nasyr wa-at-Tawzi', 2005, p.83.

²⁷Nayif Mahmud Ma'ruf, *Khashaish Arabiyah Wa Tharaiq Tadrisiha*, Beirut: Dar al-Nafais, 1985, p.86.

²⁸Iswah Adriana, "Menerjemah Teks Ambigu Dalam Al-Qur'an (Sebuah Upaya Memahami Konsep Ambiguitas Dalam Istinbâth Hukum)," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 3, no. 1 (2019), <https://doi.org/10.19105/al-lhkam.v3i1.2592>.

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in meaning between tribes, differences in the meaning of Arabic language occur as a result of there are several tribes in Arabia in using one pronunciation with certain meanings that vary according to circumstances and conditions. these tribes, therefore this problem is the main cause of ambiguity in interpreting the Arabic language pronunciation by non-Arabs. It is not uncommon to find one tribe in Arabia using one word for a certain meaning. On the other hand, here another tribe uses the word with another different meaning, in subsequent developments, the word which has contained a different meaning is communicated to others within a period. A long time without anything to be a sign of the difference in meaning, so that in its development, one word can include many meanings.²⁹

As an example of the meaning of the words *yad*, some tribes interpret the palm, other tribes interpret the palm to the arm, and some tribes give the meaning of *yad* with the palm up to the shoulder so that in the word *yad* this occurs ambiguous because it can be interpreted three meanings.

Second, one word has several meanings. In Arabic language grammar, it is not uncommon to find one word with two meanings, which is suitable for several of these meanings. In its development, people who communicate using the word begin to forget its true meaning, so they conclude that the word is ambiguous, such as the words *qurū'* in the early days of using the word *qurū'* only for a certain period of an event.³⁰ For example, in someone's expression, the rainy season has a *quru'*, as for the meaning of these words the rainy season has a period or period. However, in its development the scope of the meaning of *qurū'* has been forgotten, so that the words *qurū'* are used to mean sacred and menstruation, so the word *quru'* becomes ambiguous and is used and used for its meaning.³¹

Third, the meaning of *majāz* in Arabic language is sometimes used for one word to its true meaning and its untrue meaning (*majāz*). Like the word *akala*, which actually means eating which is used in communicating with the Arabs, so the words *akala* are used to mean taking and controlling.

Fourth, the existence of the meaning of the term, in Arabic language, it is also found that one word has a clear linguistic meaning and can have different meanings as a result of the habits of the term in society so that these words have two meanings, namely the meaning of language and meaning in terms and habits

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²⁹Syihab ³Din al-Qarafi, *Al-Furuq, Juz I*, Beirut: Dar al-Ma'rifah, n.d., p.234.

³⁰Ahmad ibn Muhammad al-Syasyi, *Uşul Al-Syasyi*, Beirut: Dar al-Kitab al-Arab, 1982, p.27.

³¹Zainuddin bin Abdul Aziz al-Malibari, *Fathul-Mu'in Bi Syarhi Quratul-'Aini*, Bairut: Daar al-Ma'arif, 2001, p. 35.

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of society.³² Then, in everyday communication, there are two meanings, such as the word *sayyarah*, which according to the term, means walking but is then interpreted as a car.

Fifth, the term in the *syarāh*, sometimes in one word already contains a linguistic meaning, in subsequent developments, *Syarāh* gives the word a different meaning because there is a close relationship between the meaning of the language so that the popular meaning is the meaning given by the *syarāh*.³³ For example, the word *shalāh* which in language means a prayer of goodness. This word is then used in *syarāh* terminology with the meaning of an act and a word that begins with *takbīrah al-ihram* and ends with the reading of greetings. This meaning is because one part is united to another part.

Differences in Islamic law about Understanding Arabic Language

Differences of opinion can occur as a result of understanding the Arabic language and the habits of a group, this is seen clearly in the difference in legal *istinbāt* on the law of eating mangrove crab, some Acehese scholars in the law eating crabs of this type of crab is *harām* because they reason that this type of crab lives on land and in the water.³⁴

This legal *istinbāt* is inseparable from the way Acehese scholars understand Arabic language texts that exist in classical literature, such as in the case of the legal problem of eating crabs which is a classic problem among Acehese scholars, the legal product of the Acehese scholar's legal way of practicing *istinbāt* is very influential on how a cleric understands and is able to analyzing the Arabic language he masters, on the issue of consuming mud mangrove crab 'illah the law is *istikhbās* (disgusting animals),³⁵ in understanding crab Arabic language grammar with a *sarātān*, on this issue in Aceh there are two views of Acehese scholars who allow and forbid eating mangrove crab, this problem arose as a result of understanding the Arabic language text about crabs, some scholars interpreted the word *sarātān* with crabs in general, some interpreted it specifically for mangrove crab.

³²Muhammad Adīb al-Shalih, *Tafsir Al-Nushush Fi Al-Fiqh Al-Islami, Juz II*, Beirut: Mansurat al-Maktab Islami, 1972, p.89.

³³Mushthafa Ibrahim al-Zulami, *Dilalat Al-Nushush Wa Thuruq Istinbath Al-Ahkam Minha Fi Dhaw' Uşul Al-Fiqh Al-Islami: Dirasah Tahliliyyah Wa Tathbiqiyyah*, Baghdad: Mathba'ah As'ad, 1983, p.176.

³⁴Muhammad Napis Djuaeni and Ahmadi Usman, "Al-Lughah Al-'Arabīyah Fī Al-Ma'āhid Al-Islāmīyah Bī Indūnīsīyā: Mushkilātuhā Wa Ṭuruq Ḥallihā", *Studia Islamika* 28, no. 2 (2021), p. 427.

³⁵Ibnu Hajar Al-Haitami, *Tuhfatul Muhtaj Bi Syarh Al-Minhaj*, Juz VI, Kairo: Maktabah At-Tijariyah Al-Kubra, 1994, p.496.

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Jarjani said that eating mangrove crab is halal in the *maḏhab Syāfi'iyyah*³⁶ because the meaning of station is a sea animal that does not have blood; this is by the *qā'idah uṣul al-fiqh* expressed by Ibn Qudamah;

كل ما يعيش في البر من دواب البحر لا يحل بغير ذكاة كطير الماء والسلاحفة وكلب الماء إلا ما
لا دم فيه كالسرطان فإنه يباح بغير ذكاة

Meaning: "Everything that lives on land in the form of sea reptiles is haram, without being slaughtered, such as seabirds, turtles, and seals. Except for animals that do not have blood, such as crabs, they can be eaten without being slaughtered".³⁷

Teungku Faisal Ali, Chair of the Aceh MPU stated that the *fatwa* regarding the crab law was decided that it is *halāl* to eat crab as long as it does not pose a danger to human health. This *fatwa* is based on their findings which state that crabs are aquatic animals, both in seawater and in freshwater, and not animals that live in two realms; at sea and on land.³⁸ By the *qā'idah uṣul al-fiqh*, that which can cause harm must be removed *الضرر يزال*.³⁹

Some scholars forbid not mangrove crabs, but a type of crab that lives only on land; Abdurrazaq⁴⁰ expressed this; he said there was an opinion that was mentioned by Ad-Dumairi saying:

يحرم أكله لاستخبائه كالصدف، قال الرافعي: ولما فيه من الضرر

Meaning: "It is forbidden to eat crabs because they always hide like clams. Even Rafi' said that animals like that are dangerous for humans to eat".⁴¹

Moreover, in understanding Arabic language texts, they were also a scholars must master science Another thing in this case is the science of *uṣul al-fiqh*, *balaghah*, *ma'āni*, *badi'*, *bayān*, *majāz*, *naḥwu* and *ṣarf* which are very tied to how to do legal *istinbāt*, so a scholar in carrying out and answering the law to the community is not justified only relying on the translation of the Arabic language meaning dictionary because it will lead to mistakes in practicing law

³⁶Interview with Jarjani, Lecturer at Langsa State Islamic Institute of Religion, Januari 2, 2022.

³⁷Ibnu Qudamah, *Al-Mughni*, Mesir: Maktabah Asy- Syuruq ad-Dauliyyah, 1972, p. 337.

³⁸Interview with Teungku Faisal Ali, Chairman of the Aceh Ulema Council (MPU), February 26, 2022.

³⁹Athiyah Ramadhan Athiyyah Adlan, *Maushu'ah Al-Qawaid Al-Fiqhiyyah*, Mesir: Mansyurat al-Maktab al-Islami, 1991, p. 277.

⁴⁰Interview with Teungku Abdurrazaq, Member of The Aceh Besar Ulema Council (MPU), February 27, 2022.

⁴¹Ad-Dumairi, *Hayatul Hayawan Al-Kubra*, Baghdad: Daar al-Ma'arif, 1973, p.432.

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which will confuse the public, of course, a scholar must also be smart and understand other sciences as supporters in practicing Islamic law. Teungku Hasanoel Bashry says: The problem above is very urgent for a scholar to understand Arabic language because the word *saraṭān* is ambiguous in its meaning and the words *Ṭayyibah* and *istikhbās* whose meaning is referred to the world's people, then there will never be a law because animals that are considered good by one tribe are sometimes considered ugly by another tribe. So, *Ṭayyibah* and *istikhbās* must refer to the Arab tribes and the language they use every day. These rules and ways of understanding the Arabic language must be adhered to and understood so that the community can well receive the law.⁴²

In the context of Indonesia, mangrove crabs are not considered *istikhbast* animals, so they are halal to eat. From the problems that exist in society, it is clear how the role of a cleric in legal *istinbāt* must understand the grammar of Arabic language texts and knowledge related to Arabic language. If they do not understand this, the *fatwa* issued by the scholar will certainly be reviewed or less precise.

So, the most urgent thing to do *istinbāt* Islamic law is to be able to understand Arabic language and other sciences. Suppose you only rely on Arabic language dictionaries to translate the meaning. In that case, legal *istinbāt* will be less precise, such as the example in the legal *istinbāt* regarding mangrove crabs to be consumed.

The Contribution of Arabic Language in *Istinbāt* Islamic Law of Aceh Scholars

In the schools of fiqh differences of opinion have emerged in a number of worship and legal matters.⁴³ All of the original sources of Islamic law are written in Arabic language and a field of study to explore the teachings of Islam as a whole. This reality shows that Arabic language cannot be separated from the essence of Islam itself. Therefore, it is a must for anyone who is in the legal practice and studies and studies the Islamic religious sciences extensively and in mastering the auxiliary sciences such as a reliable mastery of the Arabic language.

There are several ways taken by Aceh scholars in practicing Islamic law, including: *first*, the *qawli* method. This method is built from arguments that require the obligation to have a school of thought, basically every Muslim is obliged to believe and practice what the Prophet has conveyed in the Qur'an and

⁴²Interview with Teungku Hasanoel Bashry (Abu MUDI), Leader of Dayah MUDI Mesra, Samalanga, Bireuen, December 2, 2021.

⁴³Moh Dahlan and Zakiyuddin Baidlawy, "Gus Dur's Ijtihād Paradigm of Contemporary Fiqh in Indonesia" 29, no. 2 (2019), p.169.

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the hadis correctly, all of which are written in Arabic language. For *mujtahids*, with the abilities they have, they can easily dig up their own laws from the Qur'an and hadis, even for them they are not allowed to follow the opinions of others. One of the things that must be mastered by these *mujtahid* is the ability to speak Arabic language and its auxiliary knowledge. As for ordinary people, how difficult it is to understand and take the law from its basic source. Thus, *māzhab* is solely to make it easier to follow religious teachings correctly, as *māzhab* becomes obligatory for everyone who does not yet have the capacity and capability as a *mujtahid*, then referring to the opinions of scholars of certain schools is part of the obligation and referring to the opinions of the imam. The available reference schools are all in Arabic language text. The provisions regarding the position of a person who must refer to the opinions of previous scholars are also arranged in a hierarchical manner, this aims to avoid stagnation when differences are found in certain cases.

To make legal decisions by Aceh scholars, they must always be guided by the opinions of *māzhab* scholars. A scholar must understand Arabic language and its auxiliary sciences so that the law that is a problem for society is not mistaken. In understanding the opinions of previous scholars, one must automatically understand Arabic language and its auxiliary sciences as the initial basis for carrying out Islamic law by Acehese scholars. Muhammad Iqbal says: That the *qawlī* method shows the willingness of a person to accept the *fatwa* of previous scholars contained in the yellow book (*kitab kuning*) and that scholars must be able to understand Arabic language texts as initial capital in initiating legal practice. This willingness to accept is also based on the value of originality contained in the *fatwa* of previous scholars. We know that the literature used by Acehese scholars is all in Arabic language.⁴⁴

It has become a necessity in practicing Islamic law. A cleric must understand the rules of the Arabic language. If the understanding of the Arabic language is not sufficient, then the legal *fatwa* given to the community will be wrong and make people restless.

On the case of Islamic law and adat in Aceh, many Acehese leaders believe that both are mutually inclusive⁴⁵ and the hallmark of Acehese scholar in practicing Islamic law is to refer to the yellow book (*kitab kuning*) when the community asks for problems and the existence of scholars is so essential in the

⁴⁴Interview with Muhammad Iqbal, Dayah Ulama in Pidie District, November 18, 2021.

⁴⁵Arskal Salim, "Adat and Islamic Law in Contemporary Aceh, Indonesia: Unequal Coexistence and Asymmetric Contestation," *Samarah* 5, no. 2 (2021), p. 534, <https://doi.org/10.22373/sjkh.v5i2.11082>.

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life of the people of Aceh.⁴⁶ Acehnese scholars will use the yellow book (*kitab kuning*) as the main reference in answering problems and practicing law. This model is known as the term *fiqh qawli*. This method is more inclined to look for laws that have been *fatwa* by previous scholars. In addition, some issues require strong reasoning to determine attitudes in choosing among several controversial opinions of scholars.

The application of the *qawli* method is carried out with the provisions of the problem that can be answered with one text of the opinion of the *maḏhab* scholars contained in the work of the *maḏhab* scholars who speak Arabic language and there are no other controversial opinions with it. The solution is fulfilled as explained in the text of the opinion. Problems that can be answered by the text of the opinions of the scholars of the schools of thought in their works and there are several texts of the opinions of the scholars of the schools that are mutually controversial both in terms of the strength of reason, the arguments, and the conditions that accompany them will be studied in depth in the study to determine the opinions of the scholars of the selected schools. As an answer to determine the answer. Of course, a stronger opinion is taken and considers the value of *maṣlahah*, a strong opinion by looking at the person.

The *qawli* method at first glance looks so easy, but in reality, it is quite complicated. In addition, in requiring Arabic language grammar and literary skills to understand the yellow book (*kitab kuning*), this *qawli* method also requires an understanding of the background and philosophical values of law and the position of the scholars who provide opinions. The hierarchy of opinions or more familiar with the term *marātib al-khilāf* is also a basic need in applying the *qawli* method. Thus, it is not natural for the *qawli* method to be considered only looking for the *fatwa* of previous scholars in the yellow book (*kitab kuning*) and translating it as will because they do not understand Arabic language and its auxiliary science. The impact that will arise as a result of the application of the *qawli* method by interpreting it is only limited to translating is a fatal error ranging from misrepresentation of data that is not appropriate and wants the meaning implied in the yellow book (*kitab kuning*) text following the goals and interests of the *fatwa* itself.

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Second, the *ilhāq al-masāil bi nazāirihā* method, building a method to unite the perception of reason from various experts with their respective expertise, will be very helpful in producing maximum reasoning results. This reason is the background of the *ilhāq al-masāil bi nazāirihā* method was born as a one way of

⁴⁶Yogi Febriandi, et.al., "Seeking Justice through Qanun Jinayat: The Narratives of Female Victims of Sexual Violence in Aceh, Indonesia," *Qudus International Journal of Islamic Studies* 9, no. 1 (2021), p.127, <https://doi.org/10.21043/Qijis.V9i1.8029>.

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legal *istinbāt* carried out by Acehnese *ilhāq al-masāil bi nazā'irihā* method is not just the result of the thoughts of Acehnese scholars, but this method is reconstructed from a strong basis, including the hadis narrated by Umar bin Khathab ra;

وقد أخرج الدارقطني أن عمر بن الخطاب رضي الله عنه كتب إلى أبي موسى الأشعري
أما بعد فاعرف الأشباه والأمثال ثم قس الأمور عندك فاعمد إلى أحبها إلى الله وأشبهها
بالحاق

Meaning: “It is narrated from al-Daraquthni that Umar bin Khathab ra once wrote a letter to Abi Musa al-Asy‘ari ra, “As for after that, then know what is the most similar and most similar then compare it with your problems, hold on to the most Allah love and to those who are closest to the truth”.⁴⁷

This hadis indicates the recommendation of Umar ibn Khathab RA in ordering Abi Musa al-Asy‘ari ra to use *qiyās* in his *ijtihad*. This is based on Abi Musa’s capacity as a *mujtahid*. But, Imam al-Sayuti asserts that this hadis is a guide for using the equation formula in finding contemporary problems, from this hadis, he also relies on the virtues and advantages of studying the rules of *fiqh*, which of course to find the law on the latest problems, this assumption leads to the application of the rules with the *ilhāq* method based on the above hadis.

قال الإمام السيوطي في الأصل هي صريحة في الأمر بتتبع النظائر وحفظها ليقاس عليها
ماليس بمنقول

Meaning: “Imam al-Sayuti, in his original book, the hadis about the contents of Umar ibn Khathab ra letter to Abi Musa al-Asy‘ari ra clearly as an order to follow problems that are equal to *qiyās* with problems that have no law from the Qur’an and hadis”.⁴⁸

Arabic as the language of the Qur’an and *Hadīs*, which has a wide range of meanings and pronunciations as well as patterns of expression are, also very diverse in form; therefore, scholars must master Arabic language grammar so that they are not wrong in *istinbāt* Islamic law, especially the method of *ilhāq* in legal

⁴⁷Muhammad Yasin al-Fadani, *Al-Fawaid Al-Janiyah Hasyiyah Al-Mawahib Al-Saniyah Syarh Al-Faraid Al-Bahiyyah*, Beirut: Daar al-Fikr, 1997, p.102.

⁴⁸Muhammad Yasin al-Fadani, p. 97.

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terms at a particular time. The problem needs extensive knowledge of the Arabic language and its grammar.⁴⁹

Helmi Imran says: Textually it is very inaccurate to interpret *qiyās* in Imam al-Sayuti statement with the meaning of *qiyās*, which is used as one of the methods of *ijtihād* by *mujtahids*, because it will be very contradictory to the meaning of *nazāir*, it is different if the *qiyās* referred to in the text above is *qiyās*. With comparative meaning. The *hadīs* and the words of al-Sayuti above are used as the basic foundation by Acehese scholars to formulate a procedural *ilhāq* method in solving problems at every *mubāhasah* event and become the method used by Acehese scholars to solve actual problems that cannot be solved by the *qauli method*. Ulama who use this method must understand Arabic language, and the auxiliary sciences such as *nahwu*, *sharf*, *uṣul al-fiqh*.⁵⁰

In applying this method, of course, also understand Arabic language, which is the basic capital in doing *ilhāq*, if a scholar does not master the ability to speak Arabic language, it is impossible to apply the methods above comprehensively, the complete Arabic language ability in the ulama is very decisive. The results of legal *fatwa* to the public. The contribution of the Arabic language is very urgent in carrying out Islamic legal *istinbāt* by scholars in general.

The contribution of the Arabic language in performing Islamic legal *istinbāt* is very important. Imam Baihaqi emphasises that if someone wants to study religion, they must understand Arabic language grammar as a basic capital. More than that for a scholar, it is an absolute must to be able to understand Arabic language and its auxiliary sciences.⁵¹

The contribution of the Arabic language is very urgent in carrying out Islamic legal *istinbāt* by scholars in general. The scholars in Aceh, there are many differences of opinion on the *fatwa* of Islamic law; this is due to the breadth of knowledge in understanding Arabic language and how to interpret and use it; these differences will have a significant impact on the results of the determination of Islamic law (*fatwa*), strictly speaking, that the research findings state that there are two main things, namely; differences in the authenticity and level of the text and differences in the interpretation of the Arabic language text and its

⁴⁹Interview with Teungku Muhammad Yusuf (Tu Sop), Chairman of the Aceh Dayah Ulama Association (HUDA), April 12, 2022.

⁵⁰Interview with Helmi Imran, Ulama of Dayah MUDI Mesjid Raya, Samalanga, November 23, 2021.

⁵¹A. S. Tritton, "Ta'rīkh Ḥukamā' Al-Islām. By Al-Baihaqī Ed. by Muhammad Kurd 'Ali Pp. 204. Damascus: Arabic Academy, 1946.," *Journal of the Royal Asiatic Society* 80, no. 1–2 (1948), <https://doi.org/10.1017/s0035869x00101789>.

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understanding and the breadth of knowledge of the scholars in Arabic. language And second, on how Acehnese scholars interpret the Arabic language text itself.

Conclusion

The primary sources for performing Islamic legal *istinbāt* are the Qur'an, Ḥadīs, *ijma'* and *qiyās*, all of which are written in Arabic language. Arabic is the language used in the Qur'an and Ḥadīs, and has its privileges and uniqueness as well as its characteristics compared to other languages. Arabic language also has ambiguous words and meanings, so scholars of Islamic law can differ in their understanding of Arabic language texts. In Islamic law *istinbāt*, a scholar must refer to primary legal sources. Scholars must understand and master Arabic language grammar and its auxiliary sciences so that legal *fatwa* in answering community problems are not mistaken, resulting in wrongly giving Islamic legal *fatwa*. For scholars who are used by the public to ask questions about issues of Islamic law, they must master Arabic language and its literature, such as the knowledge of *balaghah*, *ma'āni*, *badī'*, *bayān*, *majāz*, *naḥwu* and *sharf* because understanding Arabic language cannot be separated and correlated with each other. Understanding between sciences is an integral unit. If a scholar performs Islamic law *istinbāt* but does not understand the Arabic language sciences, the legal *fatwa* he issued will be doubted.

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- Interview with Teungku Hasanoel Bashry (Abu MUDI), Leader of Dayah MUDI Mesjid Raya, Samalanga, Bireuen, December 2, 2021.
- Interview with Teungku Muhammad Yusuf (Tu Sop), Chairman of the Aceh Dayah Ulama Association (HUDA), April 12, 2022.
- Interview with Teungku Faisal Ali, Chairman of the Aceh Ulema Council (MPU), February 26, 2022.
- Interview with Teungku Abdurrazaq, Member of The Aceh Besar Ulema Council (MPU) February 27, 2022.
- Interview with Helmi Imran, Ulama of Dayah MUDI Mesjid Raya, Samalanga, November 23, 2021.
- Interview with Muhammad Iqbal, Dayah Ulama in Pidie District, November 18, 2021.
- Interview with Jarjani, Lecturer at Langsa State Islamic Institute of Religion, January 2, 2022.

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