

The Application of Social Change and Ta'wil Theories in Understanding Musykil al-Ahadiths and Their Contribution to Shariah Economic Law Development in Indonesia

Tajul Arifin, Boedi Abdullah, Asep Muhyidin, Syahrial Dedi and Dedi Mulyadi
UIN Sunan Gunung Djati Bandung, Jl. A.H. Nasution 105, Bandung, Indonesia
{tajularifin64, boediabdullah}@uinsgd.ac.id, {asep_muhyiddin, dedisyahrial}@yahoo.co.id,
ghozinwirabumi1977@gmail.com

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Abstract: Although many studies have focussed on the application of social change and *ta'wil* theories; none of them have concentrated on the use of both theories simultaneously in understanding *musykil al-ahadiths*. This paper analyzed the application of social change and *ta'wil* theories in understanding *musykil al-ahadiths* and their contribution to the development of *Shariah Economic Law (SEL)* reform in Indonesia. Data were gained through indepth interview with some members of National *Shariah Board (DSN)* of Indonesian Council of Ulama (MUI) and literature study of *Shariah Legislation Regulations* and the *DSN Fatwa (Legal Advice)* on some issues of SEL reform such as Current Account, Savings, and Deposits. This study revealed that *social change and ta'wil* theories have been strong driver and technically played important role in understanding *musykil al-ahadiths* in giving significant contribution to the development of SEL in Indonesia. *Ta'wil*, especially in the *Ushul al-Syafi'iyah* school which preferred what the word probably means in its context, has become very popular theory among the members of DSN in understanding *musykil al-ahadiths*. This finding gives a clear picture on how using social change and *ta'wil* theories in understanding sacred texts, the Holy Qur'an, *Hadiths*, Bible, Torah, and others in order to practice their teaching in the real life.

1 INTRODUCTION

Social change and *ta'wil* theories have played important role in each own discipline in making the life of human being becoming better. Social change theory in sociology which was encapsulated from biological theory especially the theory of Darwinian evolution has been applied by many social scientists in understanding social phenomenon such as H. Spencer (Spencer, 2005), M. Weber (Weber, 2013) and E. Durkheim (Durkheim and Lukes, 2014). Social change is all changes to the social institutions within a society, affecting its social system, including values, attitudes, and patterns of behavior among groups in society. One and most prominent of social change theory was cyclical theory. The cyclical theory explains that social change is cyclically circular in nature. According to this theory, social change is something that cannot be planned or directed to a certain point, but circling in a circular pattern. According to this theory, social change is something which happened repeatedly. What happens

now will have a similarity or resemblance to what was in the past. In this pattern of change there is no gradual process of change in society so that the boundaries between primitive, traditional, and modern lifestyles are not clear. Change cycle is a pattern of change that resembles a spiral. In term of development, the cyclical theory suggests that only capable people who will win the struggle of life; while the weak will be marginalized. As a result, the future will only be engaged by the tough men who win the struggle for life (Spencer, 2005). Even today, the general idea of this theory which explained that social change is like a wheel that is turning. This means, that the turn of the times is something that cannot be denied and controlled by anyone. The rise and fall of a civilization is part of the irreversible nature, has penetrated to many other disciplines such as economy (Zipperer and Skott, 2011), history (Toynbee, 1945), culture (Abel, 2014), organization (Olsen and Sen 2014), etc. The spirit of cyclical theory has been used by all members of National *Shariah Board (DSN)* of Indonesian Council of

Ulama (MUI) to motivate them to bringing back the golden age of Islam that has been lost from the life of Muslims through the production of *Fatwa* (Legal Advice) especially in the field of *Shariah* Economic Law (SEL). The spirit of cyclical theory made them aware of using *ta'wil* theory interpreting and understanding *musykil al-ahadiths* in order to suite to current economic development. *Ta'wil* is a theory of capturing the deepest and the most relevant meaning of sacred texts to the context of life which was initially formulated by Muslim scholars to understand the meaning of the Holy Qur'an and the Prophet Muhammad Tradition (*Al-Hadiths*) (Duderija, 2008). But, today, this theory has been widely used to understand other sacred texts such as Bible and Torah (Hollenbergh 2003). The indication to apply *ta'wil* in understanding the sacred text has been stated by Allah Almighty in the Holy Qur'an Chapter The Family of 'Imran (*Ali 'Imraan*, 3) verse 7 (Ali n.d.).

There have been many studies conducted to analyze the application of cyclical and *ta'wil* theories separately in understanding various social, cultural, economic, political, and even religious phenomena and understanding the sacred text in many fields. A.J. Toynbee was very popular of his writing, *A Study of History*, in which he applied cycle theory to explain human civilization. Since this theory deals with challenges and responses, he argued that the progress of a society depends on its ability in giving response to the existing challenges. If a society is able to respond to the challenges that exist in its civilization, then the community will progress. However, if not able, then there will be decline and even destruction of civilization (Toynbee, 1945). In applying this theory, A.J. Toynbee has been influenced by monumental work of Ibn Khaldun, *The Muqaddimah* (Irwin, 2006). T. Abel investigated the cycle information by taking special reference to the theory of general system of H.T. Odum. In his study, he paid attention to several aspects which have not been attempted by Odum, that are law, academia, ritual, media, journalism, education, technology, and social media. He found that culture has become a nested hierarchy for forms of culture. In addition, each cycle of information is channelled by its bigger scale of information and eventually the structure of human-ecosystem (Abel, 2014). B. Zipperer and P. Skott applied cycle theory to analyze the patterns of employment, utilization, and profitability. They argued that in the model of macroeconomic ---in the "heterodox" tradition--- the central is the interaction the distribution of income, employment accumulation, and capital utilization (Zipperer and Skott, 2011).

Ta'wil is a theory on how interpreting sacred text. This theory was formulated by Muslim scholars (*ulama*) who spent their life in the Science of Qur'anic Interpretation (*'Ulum al-Tafsir*). This theory explains that in interpreting a word or phrase which has more than one meaning, the interpreter should be able to choose what the word probably means in its context rather than the direct meaning. In doing so, the interpreter should give strong arguments by taking account the issues of language, tradition, logic, and even textual arguments to determine the best possible original meaning, so to make these views will be more acceptable to anyone (Al-Sarakhsi, 1993). The application of this theory in understanding the difficult words, or phrase, or verse of the Holy Qur'an (*ayah al-mutasyabihat*) as well as the difficult words, or phrase, or sentences of the Prophet Tradition (*Musykil al-Ahadiths*) has been studied by many scholars. Duderija (2008) explored the relationship between the progressiveness of Muslim in interpreting the Holy Qur'an and *Sunnah* (The Prophet Tradition) and their formulation of normative Muslim women (*Muslimah*) construct. He found that based on contextualise approach of interpretation of Qur'an and *Sunnah*, progressive Muslims donate to the concept of a normative *Muslimah* representation which is not imposing regulatory mechanisms of any social or spatial. In addition, progressive Muslims consider women as unexceptionally autonomous human beings, intrinsically alike to men, whose kindness is judged by their level of *taqwā* (God consciousness and righteous conduct) (Duderija 2008). S.R. Burge utilized theory of *ta'wil* in understanding the meaning of *Hadith* texts in a general fashion by taking account the words order. In this research, he argued that the collections of *Hadith* needs to analyze in a broader frame of analysis, not only as legal works or repositories of information, but rather as literary works, which seek to say something that can only be understood through a process of compilation criticism (Burge, 2016). D. Hollenbergh's work concentrated on the application of *ta'wil* theory in understanding the meaning of Torah and Gospels in relation to the truth of judges. He argued that widespread theory holds that the *Ismā'īlīs* composed extra-Qur'anic *ta'wil* (allegorical interpretation) to proselytise Jews and Christians. However, a close analysis of a *ta'wil* of the biblical story of Judah and Tamar by the missionary Ja'far ibn Manur al-Yaman (d. ca. 960) suggested that when early *Ismā'īlī* authors interpreted Torah, they did so for a Muslim audience in the milieu of Islamic polemic (Burge, 2016).

All studies on the application of cyclical and *ta'wil* theories reviewed above have different object of study topic with the one the writer proposes to write here. This paper focusses on answering two major questions: How was the application of *cyclical and ta'wil* theories in understanding the meaning of *musykil al-ahadiths* among the members of DSN of Indonesia and how were the contribution of the application of both theories on the development of *Shariah Economic Law (SEL)* reform in Indonesia?

2 METHODS

The subject of this study were three prominent Muslim scholars who are now seat as member of DSN of Indonesian Council of Ulama (MUI). They were interviewed individually and even in different places to make this interview receive objective answers from them. The interview has been focussed on the application of cyclical and *ta'wil* theories in understanding the meaning of *musykil al-ahadiths* that were used in making Legal Advice (*Fatwa*) especially in the area of SEL. In addition, they were also asked about the contribution of the use of both theories on the development of SEL in Indonesia. To control their claim on the use of cyclical and *ta'wil* theories in understanding the meaning of *musykil al-ahadiths*, the writer analyzes related documents of their *Fatwa*. After that, to strengthen the data on the contribution of the use of both theories on the development of SEL in Indonesia, the writer also interviewed three academicians on the field from Sunan Gunung Djati State Islamic University of Bandung.

3 RESULTS AND DISCUSSION

3.1 Results

The application of cyclical and *ta'wil* theories among the members of DSN of MUI in understanding the meaning of *musykil al-ahadiths* is a new power and trend among them. This powerful trend, according to the head of MUI, came together with the involvement of young well educated generation into this organization. They brought and applied more progressive theories and methods of interpreting texts both the Holy Qur'an and the Prophet Tradition (*Al-Sunnah*) in the process of formulating *Fatwa*. As a result, the development of *Fatwa* produced by DSN becoming faster than before. In addition, by applying those kinds of theories and methods the *Fatwa*

released were more applicable and received less resistance from the citizens of Indonesia in general.

One of cyclical theory thesis which has pushed the members of DSN in interpreting *musykil al-ahadiths* was that only capable people who will win the struggle of life; while the weak will be marginalized. This theory thesis, according to the members of DSN, has become a powerful inspiration and motivation in boosting a new and strong awareness among the members of DSN in particular and all members of MUI in general in producing more appropriate decisions through the application of *ta'wil* theory. They belief that their recognition and familiarity to the thesis of the cycle theory so far, has strengthening their ethical works in responding to every single case emerge in Indonesian society that need advice from DSN of MUI. This spirit, in a wider context, has awaken them from their sleep to bring back the golden era of Muslims society.

In the context of the development of SEL reform in Indonesia, that theory thesis has been understood deeply and comprehensively by the member of DSN. They put the thesis of the cycle theory as a base to move further beyond usual efforts in performing their main duties and functions. It has boosted all members of DSN to keep strictly in their mind that the cycle of time and opportunity they experienced have to be a golden era through the production of more appropriate *Fatwa* especially in the field of SEL. It has also strengthened their belief that in the future Indonesia with the biggest number of Muslim population in the world will become a central for Islamic studies and civilization.

The application of cycle theory in understanding the meaning of *musykil al-ahadiths* has become new energy for the members of DSN to give real and better contribution to the development of Islamic law in the Islamic economy area. Since the thesis of the theory justifies that changing cycle is a pattern of change that resembles a spiral and only capable people who will win the struggle of life, all members of DSN determine themselves for becoming stronger in their mind, mastery of material, theory and methodology, social sensitivity, expertise, work ethics, and work discipline. This theory thesis, in the view of member of DSN, has motivated them to apply the theory of *ta'wil* in understanding the meaning of *musykil al-ahadiths* beyond the usual moves of interpretation, since the theory offered new and important alternative in understanding the meaning of *musykil al-ahadiths*.

Ta'wil is very important theory, among other theories, in selecting the most appropriate meaning of *musykil al-ahadiths* as well as of *ayah al-mutasyabihat* of the Holy Qur'an. As said by the

members of DSN, *ta'wil* especially in the *Madzhab Ushul of al-Syafi'iyah* is helpful for anyone who is facing up the words or phrases that have more than one meaning in the Holy Qur'an and the Prophet Tradition. This is because, in line with the members of DSN opinion, *ta'wil* gives many alternatives to the interpreter for selecting the most suitable meaning for a certain word or phrase by considering the aspects of historical context of Prophet Tradition, language, tradition, logic, and even textual arguments to determine the best possible original meaning in order these views will be more satisfactory to anyone.

There are several reasons why they used *ta'wil* in interpreting *musykil al-ahadiths*. First, *ta'wil* has been widely accepted by the majority of Muslim scholars (*Jumhur al-Ulama*) as a theory or method in interpreting certain multi-meaning word or phrase of the Holy Qur'an and the Prophet Tradition. In the field of economy there were some sayings of the Prophet Tradition which their meanings cannot be cached directly which are so called *musykil al-ahadiths*. Second, *ta'wil* gives opportunity to the interpreter to interpret certain word or phrase more progressively in responding to every single case appear in any Muslim societies including in Indonesia. Third, the members of DSN have agreed to strictly keep all requirements of using *ta'wil* which include: the chosen meaning is not contradictory to the science of language / literature, can be used in accordance with the meaning of language, in accordance with *Syara* (Law of Allah) provisions and *Syara* terms that exist, indicates the argument (reason about *ta'wil*), and if based on *qiyas* (analogy), use bright and strong *qiyas*.

Here is an example of the application of both cycle and *ta'wil* theories in interpreting *musykil al-ahadiths* by DSN of MUI on its *Fatwa* related to Deposit. The *Fatwa* explained that first, deposits are two types: deposit which is not justified by *Syari'ah* (Islamic Law), namely deposit which is based on interest calculation and the justified deposit, a deposit which is based on principle of *Mudharabah* (a just distribution of profits). Second, general provisions deposits which based on *Mudharabah* are: in this transaction the customer acts as *shahibul maal* (the owner of the funds) and the bank acts as *mudharib* (fund manager), in its capacity as *mudharib*, the bank can do various businesses that do not contradict to the principles of *Shariah* and develop it including in it *Mudarabah* with other parties, capital shall be expressed by amount, in cash and not receivables, profit sharing must be expressed in terms of ratio and set forth in the account opening agreement, banks as *Mudharib* cover the operating

costs of deposits by using the profit ratio to which it is entitled, and banks are not allowed to reduce profit ratios customer without the relevant consent (DSN, 2000).

One of the texts used as argument in the *Fatwa* is the saying of the Prophet Muhammad (PBUH) which was narrated by Thabrani from Ibnu Abbas: "Abbas bin Abdul Muthallib if surrendering as treasure *Mudharabah*, he required his *Mudharib* not to wading through the ocean and not down the valley, and no buying cattle. If the terms were violated, he (*Mudharib*) must bear the risks. When the requirements that Abbas determined heard the Messenger of God, he Justify it (Narrated by Thabrani from Ibn Abbas) (DSN, 2000).

The sentence "not to wading through the ocean and not down the valley" in the saying of the Prophet above, according to the members of DSN of MUI should be understood using *ta'wil*, since if we take the direct meaning of the sentence, then its meaning will not be suiting to the current situation. "Not to wading through the ocean and not down the valley" means that banks as fund manager are not allowed to run high risk businesses, or run a business without careful calculation. If they do so, they have violated the principle of *Shariah*. This chosen meaning of the sentence has been supported by other arguments in the *Fatwa*. The application of *ta'wil* theory by the members of DSN which resulting such understanding of the text, according to them, will never done successfully without the contribution of cycle theory in developing their awareness and work ethics.

The application of cycle and *ta'wil* theories by the members of DSN of MUI in understanding the meaning of *musykil al-ahadith* has given significant contribution to the development of SEL in Indonesia. Many *Fatwa* have been released by DSN of MUI in the area of SEL such as *Fatwa* Number 01/DSN-MUI/IV/2000 on Giro, *Fatwa* Number 02/DSN-MUI/IV/2000 on Savings, *Fatwa* Number 03/DSN-MUI/IV/2000 on Deposit, etc. which according to some academicians of UIN Sunan Gunung Djati of Bandung have been unavoidable evidence of its contribution. According to them researches on this topic, DSN of MUI has released more than one hundred *Fatwas* of SEL in the period of its existence from 1999. DSN of MUI has been established in 1999 through the Decision Letter Number Kep-754/MUI/II/1999, 10 February 1999 on the establishment of the National *Shariah* Board of Indonesian Council of *Ulama*.

3.2 Discussion

Data presented in the previous section indicated that DSN of MUI has regularly used cyclical and *ta'wil* theories in understanding *musykil al-ahadiths* as part of the formulation of *Fatwas*. Those efforts were not just have been able to push up the number of *Fatwa* released, but also have been able to formulate *Fatwas* which were more acceptable by, and applicable in, Indonesia society. The way to interpret *musykil al-ahadiths* the members of DSN have as well as their background of education, life experience, and their level of progressiveness in thinking have influenced the quality products of their thoughts (Duderija, 2008). Those kinds of conditions have been fully realized by all members of DSN of MUI, so they always keep on the tract in doing their jobs. Moreover, the production of more acceptable and suitable *Fatwas* by DSN of MUI has gradually changed the perception of Indonesia society toward economy-Syari'ah based. In term of Savings Account, for example, now days, more and more Indonesian Muslims switched from conventional banks to *Shariah* banks. Their preference was based on information they have that Islamic banks have proved themselves as financial institutions that were more resilient in facing the crisis than conventional one. Nafla and Hammas (2016) have given strong evidence through their research on this by comparing Islamic banks and conventional banks during the subprime crisis (2003-2012) by using DEA Approach. In this research they found that Islamic finance has become a real driver of financial stability (Nafla and Hammas 2016). Another study which analyzed the same issue but used a different approach was conducted by Odeduntan et al. (2016) to assess financial stability, they applied Z-score analysis, Liquidity ratio, Nonperforming financing, also credit risk ratio. They found that Islamic banks have experiencing excessive financing, while the total assets they invested on financing were on the increase (Odeduntan et al., 2016).

Fatwas on SEL which have applied cycle and *ta'wil* theories in their process of formulation has given real contribution to the born of society positive perception on SEL. This has taken place through the reachness in taking the most appropriate meaning from certain sentence of the Prophet Tradition which was categorized as *musykil al-ahadiths*. By doing so, the Indonesian society becoming easier to understand SEL on certain economic issue they face. Many studies have argued that positive perception on SEL in many countries has become a powerful element for the development of Islamic economy, and vice versa

(Mbawuni et al., 2016). The change in perception on SEL more specifically on certain product, eventually, in many cases, has changed their preferences such as in the case of insurance (*takaful*) (Jamil and Akhter, 2016), *sukuk* (Smaoui and Khawaja 2017), *sukuk* market (Smaoui and Khawaja 2017). Smaoui and Khawaja (2017) argued that the development of *sukuk* market has been influenced significantly by many factors as structural, financial, institutional, and society perception factors.

Furthermore, the progressive thinking of the members of DSN of MUI through the application of cycle and *ta'wil* theories in formulating *Fatwa* has attracted more and more Indonesian Muslim societies to engage in Islamic finance. Their involvement in Islamic finance system has contributed to the level of economic stability not only in Indonesia but also in many other countries in which the majority of their population are Muslims, such as in Malaysia (Lai, 2015). As a result, many studies found that *Sariah*-based financial systems were more reliable in facing the wave of economic crisis than conventional financial institutions (Odeduntan et al., 2016). W.J. Karim even argued that economic crisis that have experienced by many countries in the last twenty years were mainly caused by capitalistic economy system; while the Islamic economy system has emerged as a hero that capable in sustaining the economic conditions of the surging crises and capable of recovering faster than the capitalist economic system (Karim, 2010). Borrowing the terminology used by Shaukat and Alhabshi (2015) on their study, Islamic finance has become very influential alternative.

The changing of methods and approaches from conventional to modern ones as denoted by the use of cyclical and *ta'wil* theories in formulating *Fatwa* on SEL by DSN of MUI has also influenced the formulation of many regulations related to Islamic economy. In Indonesia, according to some academicians of UIN Sunan Gunung Djati of Bandung, the birth of several legislations related to *Shariah* financial and *Shariah* economy systems has been driven by the emergence of *Fatwas* which were getting better in term of quality in response to various law events happened to the society. The emergence of legislations, in turn, become an important based for the development of a specific financial system or economic system as has occurred in some other countries such as in Nigeria which in some ways has a characteristic similarity with Indonesia (Olatawura, 2014).

4 CONCLUSIONS

Based on the above discussion, this research has come to conclusion that the application of *cyclical and ta'wil* theories have been a new model in understanding the meaning of *musykil al-ahadiths* in the process of the formulation of *Fatwa*. The collaboration of both theories has been a strong driver for, and has played important role in, generating significant contribution to the development of *Shariah* Economic Law. This finding has given a clear picture on using cyclical and *ta'wil* theories in choosing the most appropriate meaning from certain difficult word or phrase in all sacred texts including the Holy Qur'an, The Prophet Traditions, Bible, Torah, and others in order to practice their teaching in the real life of the society.

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