

## Interrelation of *Qiyās Ushul Nahwi* & *Qiyās Ushul Fiqh* In Islamic Law Construction Framework

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### Abstract.

*Qiyās in the scope of Islamic scientific studies is not only studied and discussed in the study of Ushūl Fiqh science, but also in the study of Ushūl Nahwi science it is also studied and discussed about Qiyās. This article attempts to analyze, study and explain the form of interrelation that occurs between Qiyās Ushūl Nahwi and Qiyās Ushūl Fiqh in relation to Islamic legal constructs by describing the forms of the relationship between the similarities and differences between the two.*

*Keywords: Qiyās, Ushūl Nahwi, Ushūl Fiqh, Construction, Islamic Law*

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### 1. Introduction

Especially for those who are involved in the field of Islamic law, talking about *Qiyās* is of course familiar to the ears even in the realm of practice or application of Islamic law produced by this *Qiyās*. Most of the problems of Islamic law contained in fiqh literature are the result of *Qiyās*. *Qiyās* as agreed by scholars and all *māzhabs* is one of the sources of Islamic law. Unlike other *ijtihad* methods, *Qiyās* is a systematic process of reasoning to grasp legal provisions. He fully relies on authority, such as the Qur'an, *Sunnah* and *Ijmā'*. The discussion of *Qiyās* in the scope of Islamic scientific studies is not only studied and discussed in the study of *Ushūl Fiqh* science,

As a method of discovering and establishing Islamic law, *Qiyās* certainly does not escape criticism and rejection. As is well known that among those who reject and criticize *Qiyās* in the study of *Ushūl Fiqh* science is 'Alī bin Ahmad bin Sa'id bin Hazm bin Gālib bin Ṣālih bin Sufyān bin Yazīd or who is usually called Abū Muhammad,<sup>1</sup> which in the Fiqh discourse he is often referred to by Fuqahā 'as Ibn Hazm az-Zāhirī. He is a Fiqh scholar, historian, writer, who comes from Andalusia as well as a critic who initially mentions Maliki, then moves *māzhab* to school of Shāfi'i, and finally changes *Zāhirī* (literal *māzhab*).<sup>2</sup> Criticism and rejection of *Qiyās* as a method of *ijtihad* is not limited to criticism and rejection without basis and argument. However, his criticism and rejection of the *Qiyās* uses the verses of the Qur'an and *Hadīś* as many scholars use them in stating the validity and authenticity

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<sup>1</sup>Muhammad Ridwān ad-Dāyah. (2013). *Silsilah A'lām Li an-Nāsyi'ah al-'Adad "19" Ibnu Hazm al-Qurtubī*, Ed. I, Damaskus: Wizārah as-Ṣaqāfah al-Hai'ah al-'Āmmah as-Sūriyyah Li al-Kitāb Mansyūrāt at-Tifl. p. 23-24.

<sup>2</sup>Chamim Tohari, *Argumentasi Ibn Hazm: Dekonstruksi Kehujjahan Qiyās Sebagai Metode Penetapan Hukum Islam*, *Istinbath Jurnal Hukum* Vol. 13 No. 1 (2016) url: <http://e-journal.metrouniv.ac.id/index.php/istinbath/article/view/540/470>, p. 5-7.

of the *Qiyās*. Among the examples from the verses of the al-Qur'ān which he uses in criticizing and rejecting *Qiyās* are those in surah Ali 'Imran verse 7. In his view, people who do *takwil* on *mutasyābihāt* verses are considered as people whose hearts tend to astray, slander and spread slander. He emphatically says that *Qiyās* are inherently inferior to *Ẓan* (conjecture), therefore he calls *Qiyās* a lie canceled by *Naṣ* (text) itself. He even strengthened his view by citing the verse of al-Qur'ān Surah an-Najm verse 28. Based on this verse, according to him, *Ẓan* (allegation) is considered a case that is not haq or which means vanity, while *Ẓan* (allegation) is stronger than *Qiyās*. So *Qiyās* in Ibn Hazm's view is the most vanity matter. Besides the verses mentioned above, there are many other verses that are used in criticizing, rejecting and undermining the validity and validity of the *Qiyās*.<sup>3</sup>

Apart from the verses of the Qur'an, Ibn Hazm also criticized and rejected the use of hadī-*Hadīs* used by supporters of *Qiyās*. Among the hadī used by supporters of *Qiyās* are *Hadīs* regarding *ijtihād*, that is, if the *ijtihād* of a mujtahid is correct, then the reward is two, and if the *ijtihād* of a mujtahid is wrong then the reward is one. It seems that the supporters of *Qiyās* equate the meaning of *ijtihād* with *Ra'yu* one meaning with *Qiyās*. Ibn Hazm and the *Ẓahirī* mazhab reject the interpretation proposed by the supporters of these *Qiyās* who are of the view that *Qiyās* is part of *ijtihād*. According to Ibn Hazm and the *Ẓahirī* school of thought, the *Hadīs* is not related to the *Qiyās* issue, so it should not be used to legalize *Qiyās*. Otherwise, The *Hadīs* speaks of the virtue of *ijtihād* which is different from *Qiyās*. Because the meaning of *ijtihād* according to Ibn Hazm is to explore the laws of al-Qur'ān and *Hadīs*, while *Ra'yu* is wisdom related to benefit. This is what the *Hadīs* suggests. Instead of making laws in ways that hadī discouraged, such as doing *Qiyās* by equating the new problem law with the problem law in *Naṣ* (text). Such things according to Ibn Hazm and his mazhab, are strongly discouraged by the above *Hadīs*. Instead of making laws in ways that hadī discouraged, such as doing *Qiyās* by equating the new problem law with the problem law in *Naṣ* (text). Such things according to Ibn Hazm and his mazhab, are strongly discouraged by the above *Hadīs*. Instead of making laws in ways that hadī discouraged, such as doing *Qiyās* by equating the new problem law with the problem law in *Naṣ* (text). Such things according to Ibn Hazm and his mazhab, are strongly discouraged by the above *Hadīs*.<sup>4</sup>

In the other hand, in the study of *Ushūl Nahwi* science, the discussion related to *Qiyās* is also not free from criticism and rejection. Among those who rejected the *Qiyās* was Ibn Maḍā al-Qurṭubī a Nuhāt (Arabic syntactic expert) who came from Andalusia, who also said *Ẓahirī* (literal *māzhab*).<sup>5</sup>*Qiyās* according to Ibn Maḍā when used in language (*nahwu* science) is not a prohibited thing and he allows it. It's just that the *Qiyās* that are allowed are *Qiyās* which are accompanied by clear textual evidence. If no clear text is found, which can corroborate something that is being *Qiyās*, then this kind of *Qiyās* cannot be accepted and must even be rejected. Apart

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<sup>3</sup>Ibid. p. 11-13.

<sup>4</sup>Ibid., P. 15-16.

<sup>5</sup>Inayatur Rashidah, Ideology of Fiqh Schools and Social Politics in Nahwu Rule: Ibn Madha ar Radd ala al-Nuhat, Journal of Ulul Albab Vol. 12 No. 2 (2011), url:<http://moraref.kemenag.go.id/documents/article/97406410605812664/download.>, p. 200.

from that, Ibn Maḍā also rejected *Qiyās Aqlī*, the reason being that the principle of equating two things because the similarity of *'illat* or cause (between the law of origin and the branch) is a weak principle. Because, the form of similarity (al-musyabbahah) contained in the origin and branches is imperfect. As for another reason, that the Arabs did not necessarily and did not want what the Nuhāt did.<sup>6</sup>

From the two examples of criticism and rejection of *Qiyās* as described above, several questions can be asked including the following; whether the *Qiyās Ushūl Nahwi* and *Qiyās Ushūl Fiqh* have a relationship and are related to each other? Then do they also have a relationship and relationship with the construction of Islamic law? Then if both of them have a relationship and are related to each other, then what is the form of the relationship and the relationship between the two in the construction of Islamic law?

## 2. Research Methods

This research uses Comparative Law Approach. That the article attempts to analyze, study and explain the form of interrelation that occurs between *Qiyās Ushūl Nahwi* and *Qiyās Ushūl Fiqh* in relation to Islamic legal constructs by describing the forms of the relationship between the similarities and differences between the two.

## 3. Result and Discussion

### 3.1. The Interrelation Between *Ushūl Nahwi* And *Ushūl Fiqh*

As we already know that the existence of al-Qur'ān and *al-Hadīṣ* is incontrovertible evidence regarding the status and position of Arabic in Islamic law. This is because Arabic is the only language chosen by Allah and His Messenger to narrate rules, provisions, recommendations and inspirational stories in both. Starting from this basis, all *Ushūl Fiqh* scholars agree that Arabic is an absolute requirement that must be mastered by Islamic jurists. This means that a person does not meet the criteria as a mujtahid if he is not able to understand Arabic. The reason is very clear, the primary sources and references in the activity of extracting Islamic law are al-Qur'ān and *al-Hadīṣ*. So it is impossible for a mujtahid to be able to understand the two sources above let alone reveal the secrets in them if he does not know and does not understand Arabic. All of these *Ushūl Fiqh* scholars almost do not have different views on this matter. Namely, making knowledge of Arabic as one of the conditions that must be met by someone who wants to carry out activities to explore Islamic law (ijtihad).<sup>7</sup> Exploring law in Islam, of course, must understand the sources of religious law, which in this case the source is generally divided into two, namely an-nuṣūs (texts) and gair an-nuṣūs

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<sup>6</sup>Wati Susiawati, *Ushul al-Nahwi Dalam Perspektif Ibn Madha*, Arabi: Journal Of Arabic Studies Vol. 2 No. 2 (December 2017), url: <http://journal.imla.or.id/index.php/arabi>, p. 165-166.

<sup>7</sup> Mohammad Hafid, 19 December 2019, *Memperingati Hari Bahasa Arab Dunia, Ini Urgensi Bahasa Arab Dalam Memahami Hukum Islam*, <https://bincangsyariah.com/kalam/bahasa-arab/>, accessed on 04 October 2020.

(besides texts). As for an-nushus, namely al-Qur'ān and the *Sunnah* of the Prophet Muhammad and gair an-nushus itself such as *Qiyās*, *Ijmā'*, *Istiṣhāb* and so on.<sup>8</sup>

*Nahwu* science is a scientific discipline that aims to understand Arabic texts. Apart from these goals, the science of *nahwu* also has the aim of protecting the Qur'an from mistakes (*lahn*).<sup>9</sup> Various cases of *lahn* and differences in *qirā'āt* (readings) are the main factors that encourage ideas and ideas to standardize the rules of Arabic language or grammar (*nahwu*). The formulation of rules that have been carried out by the scholars since the first century of Hijriyyah to pass through several phases, basically in terms of quality and essence of the material has talked about the substance of *Ushūl Nahwi*.<sup>10</sup>

If you can compare it to brother and sister, *Ushūl Nahwi* is the younger brother of *Ushūl Fiqh*. Why is that? Because if we trace the history of the birth of the two sciences in Arabic literature, we will find that the science of *Ushūl Fiqh* was born before the birth of the science of *Ushūl Nahwi*.<sup>11</sup> Muhammad Ismā'īl al-Masyhadanī in his book *al-Ijmā' Fī Ushūl an-Nahwi al-'Arabī*, stated that the science of *Ushūl Fiqh* and science of *Hadīṣ* had been codified first, then followed by the codification of *Nahwu* science (Arabic syntax). He added that since the middle of the second century hijriyyah the scholars had written *syar'ī* sciences such as *hadīs* and compiled (recorded) the science of *Fiqh* and the science of *Tafsīr*.

<sup>8</sup> Nu Sudan, 02 October 2019, *Urgensi Bahasa Arab Dalam Islam*, <https://pcinusudan.com/2019/10/urgensi-bahasa-arab-dalam-islam/>, accessed on 04 October 2020.

<sup>9</sup>Rini, *Ushul al-Nahwi al-Arabi: Kajian Tentang Landasan Ilmu Nahwu*, Arabiyatuna Jurnal Vol. 3 No. 1 Mei (2019), url: <http://journal.iaincurup.ac.id/index.php/ARABIYATUNA/article/view/773/pdf>, p. 146.

<sup>10</sup>Ahmad Zaky, *Ushūl Nahwi Sejarah dan Perkembangannya*, Jurnal Waraqat Vol. IV No. 1 January-June (2019), url: <https://www.assunnah.ac.id/journal/index.php/WRQ/article/download/69/59/+&cd=33&hl=id&ct=clnk&gl=id>, p. 17.

<sup>11</sup> The *jumhūr* ulama or most of the ulama both *salaf* and *khalaf* have agreed that the actual beginning of the codification in *ushūl fiqh* was initiated by imam Muhammad bin Idrīs asy-Syāfi'ī rahīmahullāh or better known as imam asy-Syāfi'ī in his book entitled *ar-Risālah*. *Ar-Risālah* is a book of *ushūl fiqh* written at the end of the second century AH. *Ar-Risālah* is in the form of a letter sent to the imam 'Abdurrahmān bin Mahdī bin al-Lu'lu'ī (w 198 H). and the book is the book of *ushūl fiqh* that first came to us. However, on the other hand, some argue that Abū Hanīfah and his two companions, Abū Yūsūf and Muhammad bin al-Hasan asy-Syaibānī were the first to speak and write about *ushūl fiqh*, then followed by Imam asy-Syāfi'ī. Among those who say that it is Abū al-Wafā 'al-Afgānī in the preface or preface of the book *ushūl as-Sarkhasī* which is *tahqīq*- (verified) by him. In the preface he states that:

[وَأَمَّا أَوَّلُ مَنْ صَنَّفَ فِي عِلْمِ الْأَصُولِ – فِيمَا نَعْلَمُ – فَهُوَ إِمَامُ الْأُمَّةِ، وَسِرَاجُ الْأُمَّةِ أَبُو حَنِيفَةَ النُّعْمَانِ رَضِيَ اللَّهُ عَنْهُ حَيْثُ بَيْنَ طَرِيقِ الْأَسْتِنْبَاطِ فِي (كِتَابِ الرَّأْيِ) لَهُ، وَتَلَاهُ صَاحِبَاهُ الْقَاضِي الْأَمَامُ أَبُو يُوسُفَ يَعْقُوبَ بْنِ إِبْرَاهِيمَ الْأَنْصَارِيِّ، وَالْأَمَامُ الرَّبَائِي مُحَمَّدُ بْنُ الْحَسَنِ الشَّيْبَانِيِّ رَحِمَهُمَا اللَّهُ، ثُمَّ الْأَمَامُ مُحَمَّدُ بْنُ إِدْرِيسَ الشَّافِعِيِّ رَحِمَهُ اللَّهُ صَنَّفَ رِسَالَتَهُ]

"And as for the first person to compose (write) in the science of *ushūl fiqh* - as we know - he is the imam of the imams and enlightenment of the ummah Abū Hanīfah an-Nu'mān radiyyallahu 'anhu, where he explains about the methods *istinbat* in his book "*ar-Ra'yu*". And followed by his two companions, namely *al-Qāḍī al-Imām Abū Yūsuf Ya'qūb bin Ibrāhīm al-Anṣārī* and *al-Imām ar-Rabbānī Muhammad bin al-Hasan asy-Syaibānī rahīmahumallāh*, then *al-Imām Muhammad bin Idrīs asy-Syāfi'ī* rahīmahullāh composes (writes) the *risālah*. " Look at Ahmad 'Abdul Bāsiṭ Hāmid, 2014, *Min Qadaya Ushūl Nahwi 'Inda 'Ulamā' Ushūl al-Fiqh*, ed.I, Wizārah al-Auqāf Wa asy-Syu'ūn al-Islamiyyah, Kuwait, p. 27.

Furthermore, these scholars turned to writing and codifying sciences that were not *syar'ī* such as linguistics and *nahwu* science (Arabic syntax).<sup>12</sup>

*Ushūl Nahwī* can be said to be the foundation or foundation for Arabic grammar. Its position towards *nahwu* is the same as that of *Ushūl Fiqh* towards *Fiqh*.<sup>13</sup> Like *Ushūl Fiqh*, *Ushūl Nahwī* are the principles that underlie the science of *nahwu* in its various problems and applications. *Ushūl Nahwī* not only focuses on the sources, arguments and principles of the formulation of *nahwu* science as a science, but also examines various differences of opinion among the *nuhāts* (Arabic syntactic experts) in understanding the phenomena of the Arabic language from the time of *jahiliyyah* to the standardization and bookkeeping or codification of *nahwu*.<sup>14</sup> *Ushūl Nahwī* is a science that discusses *al-adillah an-nahwiyyah* (dalil-dalil *nahwu* or legal sources in *nahwu*), the procedures for issuing the *nahwu* rules, and their application. As for what is meant by *al-adillah an-nahwiyyah* (arguments for *nahwu*) here are *as-Simā'*, *al-Ijmā'*, *al-Qiyās* and *al-Istishāb*.<sup>15</sup>

Abū al-Barakāt 'Abdurrahmān bin Muhammad Al-Anbārī (w 577 H) or better known as al-Anbārī, in his book 'Luma' *al-Adillah Fī Ushūl Nahwī*, which is further quoted by Ahmad' Abdul Bāsīt Hāmid in his book *Min Qadaya Ushūl Nahwī 'Inda' Ulamā' Ushūl al-Fiqh*, states that *Ushūl Nahwī* is:<sup>16</sup>

[... ادلة النحو التي تفرعت منها فروعه وفصوله ، كما ان اصول الفقه ادلة الفقه التي تنوعت عنها جملته وتفصيله.]

"... the postulates of *nahwu* which are divided from it its branches and classifications (articles), just as *Ushūl Fiqh* is a variety of *fiqh* arguments or types of sentences and details."

'Abdurrahmān Jalāluddīn as-Suyūṭī (w 911 H) in his book *al-Iqtirāh Fī' Ilmi Ushūl an-Nahwī*, detailing the definition related to the *Ushūl Nahwī* by writing that:<sup>17</sup>

[اصول النحو: علم يبحث فيه عن ادلة النحو الأجمالية من حيث هي ادلته ، وكيفية الاستدلال بها ، وحال المستدل]

"*Ushūl Nahwī* is a science that studies in it the *nahwu* arguments globally (in general) in terms of it as their arguments, and the method of deducing the arguments with it, as well as the condition of the person who uses the argument (mustadil/mustanbit)."

The two definitions of *Ushūl Nahwī* above, if we combine them with the definitions in *Ushul Fiqh*, then we will find similarities or similarities in definitions. This is because the *Ushūl Nahwī* scholars have been inspired by the scientific discourse developed by the *Ushūl Fiqh* scholars, so that the *Ushūl Nahwī* scholars adopted the definition contained in *Ushūl Fiqh* and put it into the definition of *Ushūl Nahwī*. Not only that, almost all of the discussion chapters in the *Ushūl Fiqh*

<sup>12</sup>Muhammad Ismā'il al-Masyhadānī. (2013) *al-Ijmā' Dirāsah Fī Ushūl an-Nahwī al-'Arabī*, Ed. I, Oman: Dār Gidā'. p. 22-23.

<sup>13</sup>Look at Rini, loc. cit.

<sup>14</sup>Look at Ahmad Zaky, loc. cit.

<sup>15</sup>*Ibid*, p. 30.

<sup>16</sup>Look at Ahmad 'Abdul Bāsīt Hāmid, *op. cit.*, p. 23.

<sup>17</sup> *Ibid*.

were also adopted into the discussion chapters in the *Ushūl Nahwi*. As for the definition of *Ushūl Fiqh* as written in the science of *Ushūl Fiqh*, namely:<sup>18</sup>

[اصول الفقه هو: البحث في ادلة الفقه الأجمالية ، وكيفية الاستدلال بها ، وحال المستدل]  
"Ushul fiqh is a science that studies the arguments of fiqh globally (general), and the method of concluding the arguments with it, as well as the condition of the person who uses these arguments (mustadil/mustanbit)."

From the combination of the two definitions of *Ushūl Nahwi* and *Ushūl Fiqh* as explained above, it provides an indication that the two sciences have a relationship between one another. On the other hand, although the two sciences, namely the science of *Ushul Nahwi* and science of *Ushūl Fiqh*, have different scientific scopes, both of them have a very strong relationship, in fact both of them influence each other. According to Ibn Jinnī, as quoted by Ahmad Zaky, he explained that the influence of *Ushūl Fiqh* on *Ushūl Nahwi* was very clear. At least it can be seen from the relationship between 'illat nahwu and' illat fiqh. Ahmad Zaky also quoted what Mahmūd Ahmad Nihlah had stated, who said that the science of *Ushūl Fiqh* was the science that had the most influence on the study of *nahwu* compared to other sciences. Evidence of this influence, namely:<sup>19</sup>

- Opening the inspiration and thorough attention to the *Naş* which is used as a source (an-nuṣūs) which is then very useful to criticize the text, both in terms of sanad and eyes which are then used as istisyhād.
- In the discourse of *Ushūl Fiqh*, the principle of *Ushūl Fiqh* is known with the concept of al-Maslahah (المصلحة) which is formulated with the sentence lā ḍarara wa lā dirāra (لا ضرر ولا ضرار), while in the discourse *Ushūl Nahwi* is known in the *Ushūl Nahwi* rule with the concept of al-fā'idah (الفائدة) which is then formulated in the sentence lā khaṭa'a wa lā lubsa (لا خطأ ولا لبس).

### 3.2. The form of interrelation between *Qiyās Ushūl Nahwī* and *Qiyās Ushūl Fiqh*

As explained at the beginning of this article, the use of the term *Qiyās* is not only used in the study of *Ushūl Fiqh*, but has also been used in the study of *Ushūl Nahwi* science. In the study of the science of *Ushūl Fiqh*, *Qiyās* ranks fourth from sources or legal propositions, namely: al-Qur'ān, *Sunnah* (al-*Hadīs*), *Ijmā'* and *Qiyās*, while in the study of *Ushūl Nahwi* *Qiyās* sometimes ranks second, if al-*Ijmā'* is not used, so that the postulates of the *Nahwu* law become: *as-Simā'*, al-al-*Qiyās* and al-*Istiṣhāb*.<sup>20</sup> Sometimes it also ranks third if you add al-*Ijmā'*, so that there are four arguments for the *Nahwu* law, namely: *as-Simā'*, al-*Ijmā'*, al-al-*Qiyās* and al-*Istiṣhāb*.<sup>21</sup>

<sup>18</sup> Jamāluddīn Abī Muhammad 'Abdurrahīm bin al-Hasan al-Isnawī. (2011). *al-Kaukab ad-Durrī Fī Kaiḥiyāt Takhrīj al-Furū' al-Fiqhiyyah 'Alā al-Masā'il an-Nahwiyyah*, ed. by. 'Abdurrazzāq 'Abdurrahmān as-Sa'dī, Ed. II, Cairo: Dār al-Anbār, Dār Sa'ad ad-Dīn, p. 29-30.

<sup>19</sup>Look at Ahmad Zaky, op. cit. p. 27-28.

<sup>20</sup>Nana Jumhana, *Metode Qiyās Sebagai Landasan Epistemologi Nahwu (Studi Tentang Metode Qiyās dan Kedudukannya dalam Taq'īd an-Nahwi)*, Al Qalam Jurnal Kajian Keislaman, Vol. 31 No. 2 Juli-Desember (2014), url: <http://jurnal.uinbanten.ac.id/index.php/alqalam/article/view/565>, p. 215.

<sup>21</sup> This is because according to Ibn Jinnī there are three arguments for *Nahwu*, namely: *as-Simā'*, al-*Ijmā'* and al-*Qiyās*. As for al-Anbārī, it is different from Ibn Jinnī, he said that there are three

The form of interrelation or reciprocal relationship that occurs between *Qiyās Ushūl Nahwī* and *Qiyās Ushūl Fiqh* in general begins from the history of the compilation and bookkeeping of *Ushūl Nahwi* itself. This is as previously explained, that the *Ushūl Nahwi* scholars were inspired by the scientific discourses developed by the *Ushūl Fiqh* scholars, so that the *Ushūl Nahwi* scholars followed the steps and methods used by the *Ushūl Fiqh* scholars in establishing and compiling as well as codifying the *Ushūl Nahwi*.<sup>22</sup>

Apart from adopting the definition of *Ushūl Fiqh* in general, the *Ushūl Nahwi* scholars also adopted the definition of *Qiyās* in particular. So that when we read the literature about *Qiyās* contained in *Ushūl Nahwi*, we will find that by definition they also almost have similarities and similarities with the definition of *Qiyās* in *Ushūl Nahwi*. According to the term *Ushūl Fiqh*, as quoted by Īman 'Umar Muhammad Jādullāh and Faḍlullāh an-Nūr' Alī in a journal entitled *al-Qiyās Baina Ushūl an-Nahwi Wa Ushūl al-Fiqh*, that *Qiyās* is linking a matter that has no *Naṣ* (text) with other cases that have *Naṣ* (text) because between the two cases there is a similarity in their '*illat* Hukum.<sup>23</sup> As according to the term *Ushūl Nahwi* as stated by al-Anbārī, *Qiyās* is an analogy of branch law by using the original law. Another definition states that *Qiyās* is the analogy of the branch law against the original law with a certain 'god. Or *Qiyās* is submitting the branch law to the original law because of the jāmi '(equality)' *illah* between the two. The three definitions according to al-Anbārī have closeness and the same meaning.<sup>24</sup>

According to Tammām Hassān, *Qiyās* in the view of the nuḥāt are categorized into two kinds of *Qiyās*, namely the first is *al-Qiyās al-Isti'mālī*, which means applied *Qiyās* (application/practice), while the second is *al-Qiyās an-Nahwi*, which means *Qiyās* relating to *nahwu* law (theory). Regarding the two *Qiyās*, Tammām Hassān also gave an additional explanation that what is meant by *al-Qiyās al-Isti'mālī* here is *intihā* 'kalam al-'arab, which is an effort to follow the words of the Arabs, while *al-Qiyās an-Nahwi* means *haml gair*. *al-manqūl ilā al-manqūl izā kāna fī ma'nāhu* which means accompanying or carrying or analogizing non-*manqūl* (which is not narrated) to *manqūl* (narrated) if they have the same meaning.<sup>25</sup>

Apart from similarities or similarities in terms of definition, the two *Qiyās* contained in *Ushūl Nahwi* and *Ushūl Fiqh* also have the same or similar pillars, which consist of four pillars, namely: *al-aṣl* (الأصل), *al-Far'u* (الفرع), *Hukm al-al-aṣl* (حكم الأصل) and *al-'illah* (العلة). *Al-aṣl* (الأصل) Etymologically, it is *lafaz* musyarak which can be interpreted as a principle, basis, source, and base. Meanwhile what is meant by *al-aṣl* (الأصل) in the discussion of *Qiyās Ushūl Fiqh* are old cases which are used as objects of likeness or cases where there is already textual legal stipulation

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arguments of *nahwu*, namely: *Naql*, *Qiyās* and *Istishābul hāl*. Likewise the level (level) and the conclusions of his arguments. Al-Anbārī had added *Istishābul hāl* and did not mention *Ijmā'*. As if al-Anbārī did not see it as taking evidence (argument) in Arabic. Meanwhile, as-Suyūṭī stated that there are 4 of the *nahwu*'s arguments, namely: *as-Simā'*, *al-Ijmā'* dan *al-Qiyās* dan *Istishābul hāl*.

<sup>22</sup> Look at Ahmad 'Abdul Bāsiṭ Hāmid, op. cit., p. 65-66.

<sup>23</sup> Īman 'Umar Muhammad Jādullāh dan Faḍlullāh an-Nūr 'Alī, *al-Qiyās Baina Ushūl an-Nahwi Wa Ushūl al-Fiqh*, SUST Journal Of Humanities, Vol. 16 No. 5 (2015), url: <http://repository.sustech.edu/handle/123456789/18122>, p. 64.

<sup>24</sup> Look at Nana Jumhana, op.cit., p. 216.

<sup>25</sup> *Ibid*.

in both *Naṣ* and *ijmā'*.<sup>26</sup> As for the meaning of *al-aṣl* (الأصل) in the discussion of *Qiyās Ushūl Nahwi*, namely texts quoted or quoted from the Arabs which can be used as evidence or arguments, both excerpts (quotes) through *simā'an* (heard), through *riwayāt*, orally, or through notes which is used as a guide in *nahwu* law. Emīl Badī 'Ya'kūb quoted the words of Ibn Jinnī who said that the words of the Arabs can be viewed from a stable point of view or not the use or application of *Qiyās* to them, this can be seen from four kinds of circumstances as follows:<sup>27</sup>

- Regulate on *Qiyās* and its application, such as the sentence: *qāma zaidun* (قام زيدٌ) which means *zaid* has stood, *ḍarabtu zaidan* (ضربتُ زيداً) which means I've hit *Zaid*, *marartu bi zaidin* (مررت بزيدٍ) which means I've been walking with *Zaid*.
- Be regular in the *Qiyās*, and *Sha* (defective/irregular) in its application, such as the application of *fi'il māḍī* (فعل ماضي) or past verbs, which are not found in *fi'il muḍārī* (فعل مضارع) or present and future verbs, such as these two words: *yazaru* (ذ) and *yada'u* (يدع).
- Regular in the application, and *shāz* (defective/irregular) in the *Qiyās*, such as *fi'il māḍī* (فعل ماضي) in the following sentences: *istaṣwabtu al-amra* (استصوبتُ الأمر), *istahwaḍtu asy-shay'a* (استحوذتُ الشيء), *istanwaqa al-jumalu* (استنوقَ الجمَل), and the *shāz* (defective/irregular) *Qiyās* in all *fi'il māḍī* (فعل ماضي) is by: *qalb al-wāwi alifan* (فعل ماضي) or change and replace the *wawu* letter into the *alif*.
- *Shāz* (defective/irregular) on *Qiyās* and its application as a whole, such as the sentence: *ṣaubun maswūnun* (ثوب مصوونٌ) and *farasun maqwūdun* (فرس مقوودٌ), the correct one should be *ṣaubun masūnun* (ثوب مصوونٌ) and *farasun maqūdun* (فرس مقوودٌ).

For example or examples of the same method, we can also see the use of all the pillars of *Qiyās* that are in the *Ushul Nahwi*. For example, such as determining the law of *nā'ib al-fā'il* which is *Qiyāskan* against *fā'il*;<sup>28</sup>

- *Al-Al*, every *fā'il* is read *rafa* '(ḍammah)
- *Al-Far'u*, *nā'ib al-fā'il* pronounced *rafa* '(ḍammah)
- *Al-Hukm*, *nā'ib al-fā'il* should be read *rafa* '(ḍammah)
- *Al-'Illah*, because both of them are *musnad ilaih*.

Other similarities can also be seen in the use of the terms' *illah* such as *al-'illah al-muta'addiyah*, *al-'illah al-mu'aśsirah*, *al-'illah gair al-muta'addiyah*, *al-'illah gair al-mu'aśsirah*, *al-'illah al-qaṣīrah*, *al-'illah al-wāqifah gair al-jāriyah*, *al-'illah al-muwajjahah*, and *al-'illah al-muwajjabah*. And so on.<sup>29</sup> Thus it can be said that between *Qiyās Ushūl Nahwi* and *Qiyās Ushūl Fiqh* have a very strong bond and influence each other in the framework of the construction of Islamic legal buildings.

<sup>26</sup> Look at Ahmad Masfulul Fuad, *Qiyas Sebagai Salah Satu Metode Istinbāt Al-Hukm*, Mazahib Jurnal Pemikiran Hukum Islam, Vol. XV, No. 1 (June 2016), url: <https://journal.iain-samarinda.ac.id/index.php/mazahib/article/view/606/447>, p. 46.

<sup>27</sup> Hairudin, *Akar Historis Ilmu Nahwu*, Al Mahara Jurnal Pendidikan Bahasa Arab, Vol. 5, No. 1 (June 2019), url: <http://ejournal.uin-suka.ac.id/tarbiyah/index.php/almahara/article/view/2418/1636>, p. 24.

<sup>28</sup> Look at Ahmad Zaky, op. cit. p. 25.

<sup>29</sup> *Ibid*, p. 27.



#### 4. Conclusion

The number of conclusions that *Ushūl Nahwi* is an underlying basis for establishing the laws of *nahwu*, while *Ushūl Fiqh* is the basis for establishing fiqh. Both of these disciplines have an influence on one another in terms of determining Islamic law. The *Qiyās* method contained in the *Ushūl Nahwi* is influenced by the *Qiyās* method in fiqh, both in terms of definition, pillars, terminology *'illat* and others. *Wallāhu A'lam Biṣṣawāb*.

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