

HAJI PENGABDI SETAN: ALI MUSTAFA YAQUB AND THE CONTEXTUAL UNDERSTANDING OF THE HADITH

Abdulloh Ubet
State Islamic University of Sunan Ampel Surabaya
ubaid.auza@gmail.com

Abstract: This article examines Ali Mustafa Yaqub's thoughts in the framework of contextual understanding of the hadiths. As a scholar, Yaqub actively writes many articles in the mass media and frequently directs his critics by using hadith as a means for criticism. This article analyzes his opinion regarding the excessive *hajj* and *'umrah* conducted by Indonesian Muslim community. Yaqub is of the opinion that excessive *hajj* and *'umrah* have changed the law from what was originally obligatory and *sunna* to *makruh* or even forbidden (*haram*), because they should prioritize social obligations such as helping orphans and the poor. Yaqub's argument is set forth in his controversial book entitled *Haji Pengabdi Setan*. This study observes how Yaqub draws legal conclusions. This article finds that Yaqub takes his opinion from the concept of *fiqh al-awlawiyyāt* proposed by Yūsuf al-Qarḍāwī. This method is called *ijmālī*, namely understanding the meaning of hadith textually and partially rather than contextual and comprehensive analysis. In conclusion, this study also finds that Yaqub's method of understanding hadith is different from previous hadith experts and seems to be less accurate in his reasoning.

Keywords: Hadith, *hajj*, *'umrah*, contextual understanding, *istinbāt*.

Abstrak: Artikel ini mengkaji pemikiran Ali Mustafa Yaqub dalam konteks pemahaman dan pemakaian hadis kontekstual. Sebagai seorang sarjana, Yaqub aktif menulis di media massa dan seringkali mengkritisi permasalahan umat dengan menggunakan hadis sebagai kerangka kritisisme. Artikel ini menganalisa pendapatnya mengenai haji dan *'umrah* yang berlebihan, yang dilakukan oleh masyarakat Muslim Indonesia. Yaqub berpendapat bahwa haji dan *'umrah* yang berlebihan telah merubah hukum dari yang semula wajib dan sunnah menjadi makruh atau bahkan haram, karena mereka seharusnya mendahulukan kewajiban sosial seperti menolong anak yatim dan orang miskin. Argumen Yaqub ini dituangkan di dalam bukunya yang kontroversial berjudul *Haji Pengabdi Setan*. Penelitian ini mengamati bagaimana Yaqub mengambil kesimpulan hukum. Artikel ini menemukan bahwa Yaqub mengambil pendapat dari konsep *fiqh al-awlawiyyāt* yang diusulkan oleh Yusuf al-Qarḍāwī. Metode ini dinamakan *ijmālī*, yaitu pemahaman terhadap maksud hadis secara tekstual dan parsial (sepotong-potong), dan tidak dipahami secara utuh,

kontekstual, dan komprehensif. Dalam kesimpulan, penelitian ini juga menemukan bahwa metode Yaqub dalam memahami hadis berbeda dengan pakar hadis yang sebelumnya dan kurang akurat.

Kata kunci: Hadis, haji, umrah, pemahaman kontesktual, istinbat.

Introduction

Ali Mustafa Yaqub is a renowned Muslim scholar in 21st century Indonesia. He was a grand imam of the Istiqlal Mosque in Jakarta from 2005 to 2015. He was also a professor in the institut of Qur'anic Studies whose expertise is in the hadith studies, and the leader of Pesantren Darussunnah, Ciputat, Tangerang Selatan.

He was born in Batang regency of Central Java on March 2, 1952, and passed away on April 28, 2016, when he was 64 years old. As a member of the former fatwa commission of the Central MUI, he had actively written numerous opinions on mass media on the happening issues from his hadith perspective during his life. His firm personality is seen in his bold views and arguments when addressing the socio religious problems. One of his criticism is directed towards Muslims who conduct pilgrimage more than one time. In an article published in Gatra Magazine 2006, he wrote,

“which verses command us to make the pilgrimage to Mecca more than once, while many religious duties await us. Is this kind of *haji* follow the prophet’s teaching? I wonder when he ever gave that order and when he ever exemplified that behavior?”¹

According to him, God has commanded the pilgrimage in the 6th Hijri. However, the prophet and his companions could not do the command as the unbelievers governed Mecca. After the conquest of Mecca in the 8th Hijri, the prophet did not make the pilgrimage even though he could do it. He eventually made the pilgrimage in the 10th Hijri and never did it again as he passed away three months later. For that reason, Islamic history recorded it as the *haji wada'* (farewell *haji*). In addition, Yaqub argued that the prophet had the chance to do pilgrimage three times and a thousand-time of *'umrah*. However, he did only one pilgrimage and four-time *'umrah*. Furthermore, he mentioned that the prophet should have done it himself if this Muslim behavior was a good deed. He had never asked his

¹ Ali Mustafa Yaqub, *Haji Pengabdian Setan*, Cet.4 (Jakarta: Pustaka Firdaus, 2015), 5.

companions to do the pilgrim from Medina to Mecca for three Ramadan.²

Annually, the number of Indonesian Muslims making the pilgrimage to Mecca is more than 200.000 people. This fact is commonly seen as good behavior of Indonesian Muslims. Nevertheless, Yaqub considered the phenomenon as a problem since some of the pilgrims had done it numerous times. *‘Umrah* in Ramadan month becomes a kind of hobby for 5000 people every year.³ He insisted that their excessive pilgrim might become *makruh* or even *haram* in the Islamic perspective. Instead, he saw that helping the poor people and giving aid to renovating the mosques and pesantren are more critical than their second or third *hajj*. He invited us to think whether the excessive pilgrimage comes from God’s order or the satan who whispers a Muslim to show off his fake religious piety among other Muslims. He further insisted that he has done the *hajj* for satan, if the show-off is the motivation.⁴

According to Mustafa Yaqub, satans whispers to humans to conduct sinful deeds and to disorientate the religious obligation for their sake. He gave an example of how a prophet’s companion named Abū Hurayra was asked by satan to recite *āyat al-kursī* (one of the prestigious Qur’anic verses) every night. He said that satan tempts humans not only by asking them to do common sins like drinking alcohol but also whispers humans to do *hajj* multiple times. Thus, he insisted that the pilgrims who follow satan’s temptation are their slaves.⁵

Yaqub was concerned about the Indonesian Muslims’ religiosity who glorify fame, self-image building, and worldly interest while ignoring the wisdom and the essence of religious obligation. In the case of *hajj*, he discussed it in the book entitled *Mewaspadai Provokator Haji* (2009) and an article *Haji Pengabdian Setan* (2006). The article is also a subchapter in the book. This book is a bold criticism of the Indonesian pilgrims.

In this book, Yaqub described that in Indonesian Muslim practice of holy pilgrimage, some people make it as a commodity that facilitates the pilgrims who want to gain fame. In the article *Haji*

² Ali Mustafa Yaqub, *Mewaspadai Provokator Haji* (Jakarta: Pustaka Firdaus, 2009), 82.

³ Ibid., 92.

⁴ Yaqub, *Haji Pengabdian Setan*, 6.

⁵ Ibid.

Pengabdī Setan (The pilgrims Who are Satan's Slave), Yaqub said that the second *ḥajj* is not obligatory and merely seeks social status and popularity. This intention is not for the sake of God (*lillāh ta'ālā*) but for the sake of satan (*ḥajj li al-shayṭān*).⁶

Moreover, he argued that the prophet tends to do social worship (*'ibādah muta'addiyah*) than individual worship (*'ibādah qaṣīrah*). The prophet's social worship is like taking care of the orphans, the widows, and the poor.⁷ Meanwhile, the prophet said that the reward for the accepted pilgrims was heaven. For the pilgrims, he did not say that they would live with him. Based on this narration, Yaqub affirms that social worship is more important than individual worship."⁸

In this case, I argue that the book *Haji Pengabdī Setan* is being Yaqub's *fatwa* to answer the provocateurs involved in the *ḥajj* travel business and *'umrah* in Indonesia.⁹ They promote many offers such as a cheap *'umrah* with good facilities and *'umrah* in the Ramadan month. However, I notice that Yaqub's *fatwa* on the "satanic" *ḥajj* does not refer to any specific hadith like a hadith that forbid conducting the *ḥajj* and *'umrah* more than one time. Instead, he refers to the following hadith:

There will be a time in the future where the rich people from my followers conduct the *ḥajj* for traveling, the middle class do the *ḥajj* to trade, and the ulama do it for fame and popularity, and poor people do the *ḥajj* to beg from other people. (narrated by al-Khaṭīb al-Baghdaḍī and al-Daylamī).¹⁰

Yaqub's *fatwa* on this case contradicts to the following hadiths on the benefits of doing *ḥajj* and *'umrah*:

⁶ Ibid.

⁷ According to Ali Mustafa Yaqub, the kind of worship that benefits not only the individual but also the other is called *'ibādah muta'addiyah*, as like teaching religious matters, building mosques, and becoming a good Muslim consistently. *'Ibādah qaṣīrah* is the kind of worship that only benefits the individual, for example, daily prayer, fasting, *ḥajj*, and *'umrah*. Yaqub, *Mewaspadai Provokator Haji*, 23.

⁸ Yaqub, *Haji Pengabdī Setan*, 4.

⁹ Yaqub, *Mewaspadai Provokator Haji*, 66.

¹⁰ Ibid., 5. See Imām al-Khaṭīb al-Baghdaḍī, *Tārīkh Baghdad* (Beirut: Dār al-Kutub al-'Ilmiyah, 1417H/1997M), 259. See the similar hadiths with different words narrated by Abū Maṣṣūr al-Daylamī, *Firdaws al-Akḥbār*, Cet.I, Vol. 5 (Beirut: Dār al-Kitāb al-'Arabī, 1407 H/1987M), 440 (Hadith no. 8423).

The prophet said, “In between an ‘*umrah* to another ‘*umrah* worship is the abolishment of sin, and the accepted *hajj* will be rewarded heaven” (narrated by al-Bukhārī dan Muslim).¹¹

The hadith above justifies the benefits of multiplying ‘*umrah* as it is always narrated as holy worship that it can erase human sin. Many Muslim scholars allow the Muslims to do ‘*umrah* as frequently as they wish. A Muslim scholar, Ibn Taimiyah (w.728 H),¹² said that *hajj* and ‘*umrah* are different. If ‘*umrah* can only be done once a year, it will have the same position as the *hajj*, and the hadith should say,” In between a *hajj* to another *hajj*.” Instead, the hadith said,” In between an ‘*umrah* to another ‘*umrah*.” Therefore, Muslims can do the ‘*umrah* many times because ‘*umrah* is not the same as *hajj*.

Nevertheless, Imām Mālik (711-795 M/ 93-179 H) argued that “it is *makrūh* for Muslim to do ‘*umrah* twice a year.”¹³ His opinion is also similar to some of the early Muslim scholars such as Ibrāhīm al-Nakha‘ī (d.96 H), al-Ḥasan al-Baṣrī (d.110 H/728 M), Sa‘īd b. Jubayr (d.95 H) and Muḥammad b. Sīrīn (d.110 H/729 M). They argued that the prophet and his companions did not do ‘*umrah* more than once in a year.

However, the argument is not a *hujjah* (justification) as the prophet commanded his followers to do ‘*umrah* as many as possible, as narrated by the previous hadith. As Muslims believe, the saying of the prophet will not contradict his behavior. In practice, sometimes, the prophet did not continue some religious worship as he worried that the kind of worship would burden his followers. He was occasionally busy doing more critical social matters than other kinds of rituals.

Ali Mustafa Yaqub’s Methodology in Understanding Hadith

Yaqub has written a book containing the method used by Muslim scholars to understand some issues in the hadith. The title of the

¹¹ Muḥammad b. Ismā‘īl al-Bukhārī, *Ṣaḥīḥ al-Bukhārī* (Beirut: Dār Ibn Kathīr, t.th), 1773; Muslim b. al-Ḥajjāj al-Naysābūrī, *Ṣaḥīḥ Muslim* (Beirut: Dār Ihyā’ al-Turāth), 1349.

¹² Muḥammad b. Taymīyah, *Majmū‘ al-Fatāwā* (Riyāḍ: Majma‘ al-Mālik Fahd, 1995), 268-269.

¹³ Al-Faqīh ‘Abd al-Wahīd Muḥammad b. Aḥmad b. Muḥammad b. Rushd, *Bidāyat al-Mujtahid wa Nihāyat al-Muqtaṣid*, Vol. 2 (Beirut: Dār al-Jayl, 1989), 231.

book is *Al-Turūq al-Ṣaḥīḥah fī Fahm al-Sunnah al-Nabawīyah*.¹⁴ This 239-page book was written in Arabic and published by Maktabah Darus Sunnah Ciputat Tangerang.

The discussion is divided into three parts. The first part reveals linguistic matters, including the definition of words like *majāz*, *illat* hadith, *ta'wīl* theory among ulama, Arabic tradition in the hadith, geographical description, social condition, and *sabāb wurūd al-ḥadīth*. Meanwhile, the second part contains some hadith narrations that speak a similar theme with different perspectives. It also figures out the contradiction among the narrations based on the method proposed in the second chapter of the book. Fyrtner, the third part discusses the problem of contradiction between hadith and the Qur'an, hadith and another hadith, hadith and rationality, and their problem-solving theory.

Moreover, the writer emphasized the importance of the hadith as the second source for legal matters after the Qur'an. The study of hadith is generally divided into three main themes. The first is *muṣṭalah al-ḥadīth*. This study usually aims to defend the legality of hadith from Muslim groups that deny its authority and the orientalisists. The second is *takhrīj al-ḥadīth*, criticism of *matn* (content) and the *sanad* (chain) of hadith. The third is the discussion of how to understand hadith. Yaqub argued that the meaning of hadith could not be conveyed without the mastery of the three aspects above. He mentioned the failure of the people from the modern age is caused by a lack of a method of understanding hadith. Hence, some people might be misled and misleading.¹⁵

This book presents arguments from various Muslim scholars. However, I found out that this book does not provide references. The author admits that the perspective put in this book is his subjective view. In the following discussion, I will provide a summary of Yaqub's hadith methodology from his work *Al-Turūq al-Ṣaḥīḥah fī Fahm al-Sunnah al-Nabawīyah* and his other books:

a. The Construction of Ali Mustafa Yaqub's Hadith Understanding

¹⁴ Ali Mustafa Yaqub, *Al-Turūq al-Ṣaḥīḥah fī Fahm al-Sunnah al-Nabawīyah*, Cet.2 (Jakarta: Maktabah Dār al-Sunnah, 2016 M/1437 H).

¹⁵ Ibid.

According to Yaqub, talking about hadith can be very extensive as it consists of various analyses like the study of *sanad* (*naqd al-sanad*), *matn* (*naqd al-matn*), the study of the understanding and the meaning of hadith (*fahm al-hadith*, *fiqh al-hadith*; *ma'ani al-hadith*). This article addresses the last theme, while the two others will not be deeply discussed. Moreover, this analysis is limited to the views of Ali Mustafa Yaqub.

Generally, Yaqub argues that hadith should be understood textually (*lafẓiyyah*). However, when the textual understanding is not adequate, then contextual understanding is employed.¹⁶ He argues that textual interpretation is suitable for hadith about matters beyond physical life called *gha'ib* (*al-umūr al-ghaybiyyah*) and mandatory worship (*al-'ibādah al-mahḍah*).¹⁷ Yaqub makes two categories of the *gha'ib* (non-existence) matters. The first is relative *gha'ib* (*gha'ib nisbi*), for instance, for those who have never visited New York, it is *gha'ib* to them, yet it is not *gha'ib* for those who have ever seen the city. The second is absolute *gha'ib* (*gha'ib haqiqi*), like the coming of doomsday, the truth of God, heaven, and hell. The last kind of non-physical life cannot be contextually approached.¹⁸ Muslims can only textually believe the guidance from the Qur'an and hadith.

In addition, he also mentions that mandatory worship (*al-'ibādah al-mahḍah*), like the way to perform the daily prayer, fasting, *hajj* cannot be contextually interpreted because it is the way to build a connection between humans and their God. Authoritative text concerning this worship can only be followed based on the Qur'an and hadith. Furthermore, he argues that contextualizing this kind of worship will destroy the text's universal value. For instance, each Muslim community and country will make different daily prayer rules suitable for their conditions.¹⁹

On the other hand, Yaqub argues that contextual understanding of a hadith should consider some related aspects outside the text.²⁰ The first aspect is the occurrence cause of hadith (*asbāb wurūd al-hadith*). Yaqub states that knowing the causes of a hadith is crucial to

¹⁶ Yaqub, *Haji Pengabdian Setan*, 152.

¹⁷ Ali Mustafa Yaqub, *Islam Masa Kini* (Jakarta: Pustaka Firdaus, 2006), 21.

¹⁸ Ali Mustafa Yaqub, *Fatwa-fatwa Imam Besar Masjid Istiqlal* (Jakarta: Pustaka Firdaus, 2008), 48.

¹⁹ Yaqub, *Haji Pengabdian Setan*, 152.

²⁰ Ibid.

getting a proportional and accurate understanding.²¹ One of the examples he gave is the hadith saying that “if you are going to do Friday prayer, you should bathe (clean your body).” According to his analysis, the hadith occurred when the prophet’s companions were financially not good. They are primarily farmers wearing rough wools and seldom washed them. In the morning, they would go farming and rush to the mosque when they heard the prayer call. One day a terrible smell from the wools filled up the mosque and disturbed the prophet and the people in the mosque. In that situation, the hadith occurred. Hence, Yaqub concludes that the prophet only asks dirty Muslims to clean their bodies before going to the Friday prayer.²²

The second aspect is the locality and temporality of hadith (*makānī wa zāmānī*). In this case, he analyzed a hadith saying that “between east and west is *qiblah* (the direction for praying).” For Medina residents, the textual understanding of the hadith is acceptable as they are geographically on the north side of Kaaba (Mecca). However, the hadith cannot be accepted textually by Indonesians as their locality differs from Medinan Muslims. Thus, the hadith should be contextualized into the accurate geographical location of Indonesia. In other words, considering the locality and temporality of hadith is necessary.²³

The third aspect is the causality of hadith (*‘illat al-kalām*). Yaqub analyzed a hadith, “If there were no Israelis, the food would not be stale, and meat would not be rotting. If there were no Hawa, there would not be wives betraying their husbands.” This hadith, according to Yaqub, cannot be understood unless considering the contextual approach. He revealed the prophet’s criticism toward the Jewish who are reluctant to give their food to other people and keep the amount of food they cannot eat until it is rotting.²⁴

The fourth is the socio-cultural aspect of hadith (*taqālīd*). A hadith must be seen within a particular social condition when the hadith occurred. Yaqub gives an example of a hadith saying that the prophet allowed the praying people to spit in the mosque. He stated that the spitting in the hadith is acceptable because the mosque’s floor was sand and dust, and the spittle would instantly be absorbed. In

²¹ Yaqub, *Haji Pengabdian Setan*, 153.

²² Ibid., 154.

²³ Ibid., 155.

²⁴ Ibid., 157.

addition, the dry and hot Arabic sand will prevent bacteria from surviving. This condition is different from a typical modern mosque with ceramic and marble floors. Spitting in the modern mosque will make the place disgusting and unhealthy that people will not come into the mosque.²⁵

Another hadith with firm socio-cultural containment is the dressing style of different communities.²⁶ In this case, Yaqub understands that some hadith describing that the prophet loves to wear a white turban is primarily problematic.²⁷ Yet, he does not deny some reliable hadith saying that the prophet wore a black turban when he entered Mecca (the conquest of Mecca).²⁸ However, according to him, the problem is whether wearing the turban is *sunnah* that should be followed or not, and whether Muslims are free to wear anything as long as it fulfills the Islamic norms of dressing. In this case, Yaqub describes we should consider textual and contextual approaches to understand the hadith. Those who choose textual understanding will follow whatever comes from the prophet.

In contrast, those who prefer the contextual approach will argue that turban is the dressing of the Arabs. In this case, Muslims should know the morality behind the hadith, which is a command to cover *'awrah* (private body parts that must be covered) in an Islamic way. Turban as a symbol of honor can be worn and substituted according to local culture like *kopiah* in Indonesian.²⁹

b. Six Strategies of Understanding Hadith

According to Yaqub, understanding hadith can be difficult and easy. We see difficulties in hadiths that contain layers of meaning. A failure to recognize some dimensions of meaning will probably lead to have misinterpretation. Nevertheless, some hadith are easy to grasp as it has elements supporting the true meaning. In this regard, Yaqub proposes six strategies to approach and understand hadiths. He often uses this methodology to give opinions and fatwa over the happening problems in society, such as in the case of the “satanic pilgrimage”

²⁵ Ibid.

²⁶ Ali Mustafa Yaqub, *Hadis-hadis Bermasalah* (Jakarta: Pustaka Firdaus, 2014), 174.

²⁷ Ali Mustafa Yaqub, “Serban dan Jubah Haram,” *Republika*, Jakarta, 17 Februari 2014.

²⁸ Yaqub, *Hadis-hadis Bermasalah*, 174.

²⁹ Ibid., 175-176. Lihat juga, Ali Mustafa Yaqub, *Setan Berkalung Surban* (Jakarta: Pustaka Firdaus, 2011), 23.

mentioned earlier. In this case, I see that he relies more on his subjective opinion.

The first strategy is to understand a possible metaphor in the hadith. Our daily life, he assumes, is full of metaphors. For instance, in the presidential campaign, metaphors are used to gain electability and suppress other candidates from winning the election. We heard words like *tikus kampung* (the rural rat) to call Joko Widodo. Jokowi's rival widely spreads these words to undermine his popularity. We also heard the lizard versus crocodile that refers to KPK (Corruption Eradication Commission) versus Police Department.

The same thing happens in religious matters because they mainly deliver messages through metaphors or figurative language (*majāz*).³⁰ For instance, Ibn Hajar in *Fatḥ al-Bārī*, mentioned a hadith from al-Bukhārī. The hadith told that the prophet's wives asked God's massanger who would die after him. He answered the one that has "the longest hand." After that, they measured the length of their hands, and Sawdah had the longest hand. In reality, we know that Zaynab died after the prophet and had the shortest hand among the wives. The metaphor in the hadith conveyed that "the longest hand" culturally means the most generous and who like giving alms to others as commonly used in the Arabic culture that long-hand means generous. Hence, Yaqub considers metaphor as a critical element in the hadith.

The second strategy is to discover the so-called *'illat* (logical reason) behind establishing law in the hadith.³¹ In this context, *'illat* is not in the hadith category because the *'illat* causes it to become weak (*da'if*). Thus, *'illat* in his strategy is in terms of *uṣūl al-fiqh*. *'Illat* in the *uṣūl al-fiqh* is divided into two categories: *'illat* found in the religious text and *'illat* as a product of *ijtihād*. This *'illat* can be used to interpret some hadiths. For instance, a hadith that asks Muslims to dress differently from idolatrous men. The prophet said, "make yourself different from the idolatrous men, grow your beard, shave your mustache." The order to shave mustache and grow beard is based on the *'illat* to dress differently from the idolatrous men at that time. However, we can see that the idolatrous men in the prophet's time are not the same as our modern notion on the idolatrous men. Hence, when we see modern idolatrous men grow their beards and shave

³⁰ Yaqub, *Al-Turuq al-Ṣaḥīḥah*, 23.

³¹ Ibid.

their mustache based on the *'illat*, Muslims should grow their mustache and shave their beards.³²

The third strategy is to determine the geographical condition of the hadith. This strategy gets crucial as some hadith are concerning on the direction of religious rituals such as the position of *qiblah* and to know when we are heading into defecation. Despite that geographical condition cannot be the source of law-making, it helps Muslims to understand hadith. For instance, a hadith in the al-Bukhārī's collection narrated by Abū Ayyūb al-Anṣārī that the prophet said: "If you want to defecate, do not face or turn your back on the *qiblah*, but face to the east or west." In this hadith, we cannot know the position of the prophet when he said that. However, Ibn 'Umar told his story about the prophet, "When I climbed Ḥafṣah's house for something, I saw the prophet defecated by turning his back on *qiblah*, and faced Syam."³³ Ḥafṣah is the prophet's wife he married after he migrated to Medina. With the help of the hadith, we can be sure that the prophet was in Medina. This city was geographically on the northern side of Mecca. Therefore, this hadith cannot be textually applied in Indonesia because Indonesia is far east. When Indonesians use the direction in the hadith, to face east or west when defecate, it means that they "face or turn their back on the *qiblah*," which is against the prophet's saying that we should not do that. Hence, we conclude that Indonesian should head to the north or south when defecating.

There are two approaches to understanding the hadith above. The first is the textual approach of the first sentence of the hadith, "If you want to defecate, do not face or turn your back on the *qiblah*." The second is the meaning applied to the second sentence of the hadith, "but face to the east or west." Yaqub argues that the approaches should only be made by people who understand the context of the geographical location.

The fourth strategy is to determine cultural elements of the hadith. As we know that hadiths are narrated in Arabic society, the meaning of the hadiths mostly cannot be emptied from their cultural understanding despite its common principle "*al-ḥadīth 'arabīy lughat wa 'alamīy ma'nā*" (Arabic in language and universal in meaning). The Arabic in the hadith reflects the culture of the Arabs. Hence, Yaqub

³² Yaqub, *Haji Pengabdian Setan*, 155.

³³ Ibid., 154.

also considers the space and time of the hadith. This strategy is likely used to analyze hadith containing Arabic culture like dressing style.

Textual understanding of the hadith will conclude that Muslims should follow the prophet's dressing style. According to Yaqub, that understanding is not the *sunnah*. He further argued that following *sunnah* is to dress according to local culture because the prophet dressed according to Arabic culture, not Persian or other cultures. Moreover, he strongly argued that the dressing which does not adapt to the local style is kind of '*shubrah* dressing,' and the user of the dressing style will go to hell. Yaqub gives that argument with the support of a hadith from Ibn Mājah.

The fifth strategy is to determine the priority scale of worship.³⁴ Yaqub uses this strategy mostly to understand the excessive *hajj* and '*umrah*. When one kind of worship is higher in reward than the other, the first worship should be prioritized to conduct. When one type of worship benefits the individual and the social surrounding while the other only benefits the individual, the socially beneficial worship is prioritized. We can see this strategy in his provocative books entitled *Haji Pengabdian Setan* and *Kiai Pemburu Dolar* (The pilgrim who is Satan's Slave and Religious leader who chases dollars).

The sixth strategy is to prioritize the intentionality of sharia upon the textuality of hadith.³⁵ This strategy is less mentioned in his books. However, Yaqub views that the textuality of hadith is also vital. He gives an example of a hadith about the prophet's command to Zayd b. Thābit to learn the Hebrew language. The textuality of the hadith implies that it is a *sunnah*. However, he argues that understanding the foreign language is *sunnah* as long as it is for *da'wā* and goodness.

Based on the hadith above, we can see that Yaqub uses two approaches simultaneously: a textual and contextual approach. The employment of this approach depends on the theme of the hadith. What a hadith about determines the method. As I observe, his way of understanding hadith is similar to previous hadith scholars like Yūsuf al-Qarḍāwī. Yet, his knowledge about hadith is firmly vested in the Indonesian context.

³⁴ Yūsuf al-Qarḍāwī, *Fiqh al-Awlawiyyāt Dirāsah Jadīdah fī Ḍaw' al-Qur'ān wa al-Sunnah*, Cet.1 (Kairo: Maktabat Wahbah, 1996), 3.

³⁵ Yaqub, *Fatwa-fatwa Imam Besar*, 79.

Adopting Yūsuf al-Qarḍāwī's Priority-Scale *Fiqh*

To some extent, Yaqub adopts al-Qarḍāwī's priority-scale *fiqh*. Al-Qarḍāwī's perspective inspires him to solve problems about excessive *ḥajj* and *ʿumrah*. Al-Qarḍāwī is a modern Muslim intellectual from Egypt. He was born on September 9, 1926. Among his famous works is the book called *Fiqh al-Awlawiyyāt* (Priority-Scale *Fiqh*). As I found out, Yaqub has inserted al-Qarḍāwī's perspective on *fiqh* into his writing about the *ḥajj* and *ʿumrah*. However, he never mentioned al-Qarḍāwī in his references and footnotes. Many arguments in his book on this issue have similarities with al-Qarḍāwī's well-known work. However, Yaqub mainly stands on the hadith study as the approach rather than the *fiqh* study.

Al-Qarḍāwī, through his famous book above, proposes a solution toward unbalanced judgment, thought, and behavior on the problems in the Muslim world. In brief, al-Qarḍāwī priorities something he considers as the priority over another less critical thing in comparison. He argues that Muslims have to put something in its proportion in a balanced and straightforward manner without any reduction or addition to the teaching of Allah and his messenger. Furthermore, he mentioned that many Muslims do not get the right view on the *fiqh* that every kind of worship has its "price" and value.³⁶

Al-Qarḍāwī argues that the priority scale is crucial because it is accurate, large in scope, and contextual. Hence, he views this priority as a right thing that Muslims do not exaggerate any worships and do not overdo any worships that are less prioritized by the religion.³⁷

For instance, wealthy Muslims go to the holy Mecca to make the pilgrimage annually and do the *ʿumrah* every Ramadhan month. They spend a tremendous amount of money to do the worship, which is *sunnah*. At the same time, many poor people need financial aid. Meanwhile, God never commands that Muslims must do *ḥajj* and *ʿumrah* multiple times.

In this book, al-Qarḍāwī supports his argument with empirical data. He reveals that the people doing *ḥajj* every year are the people who have done the *ḥajj* multiple times. The number of people who go to the *ḥajj* for the first time is less than 15%. For example, if the number of pilgrims is two million, the first-timer pilgrims are only

³⁶ Yūsuf al-Qarḍāwī, *Fiqh al-Awlawiyyāt*, 3.

³⁷ Ibid.

about 300.000 people. The rest are those who have done it multiple times.³⁸ Furthermore, al-Qarḍāwī said in the book:

“Instead of spending their money for the annual *ḥajj* and *‘umrah*, they can distribute it to the poor Palestine who fights the Jews or to counter the missionaries in Bangladesh, African countries, and South East nations or to build centers of Islam in any fields, or to educate Muslims to spread the teaching of Islam or to publish and translate Islamic books. They do not want to do that. The *ḥajj* and *‘umrah* are *sunnah*, while fighting the disobedience to God and secularization is the obligation for all Muslims in our modern world.”³⁹

“If Muslims understand priority *fiqh*, they will distribute their expenditure of that *sunnah* worship, *ḥajj*, and *‘umrah*, for social worship like giving financial aid to Muslims who struggle in the way of God, saving Muslims from material and spiritual failure, taking care of the orphans, giving food to the poor, giving houses for the homeless people, curing the sick, educating the fools, and giving jobs for the unemployed.”

Al-Qarḍāwī observes that many Muslims choose to prioritize the individual and *sunnah* worship rather than the obligatory worship. He sees that Muslims recite *dhikr*, *tasbeḥ*, *wird*. Still, they forget the obligatory social duties in their life starting from honoring their parents, building good relations with neighbors and other people, caring for the weak, caring for the orphans and the poor, eradicating the evil deeds in the social injustice and politics.

He argues that the problem is a lack of understanding of priority-scale *fiqh*. This lack of knowledge has made them exaggerate small things and underestimate big things. They prioritize less important things and underestimate more important one. They do the less important thing first and abandon the more crucial one. They prefer *sunnah* over the obligation. They are careful of minor sins and ignorant of the major ones. They are debating over various religious arguments but are hesitant to address *qaṭʿī* (certain) matters. Based on this phenomenon, al-Qarḍāwī concludes that Muslims nowadays have the emergent need for priority-scale *fiqh*. They should discuss and explain the *fiqh* to equip Muslims with a significant point of view to do their best. He repeatedly stated that

³⁸ Ibid., 17.

³⁹ Ibid., 209.

God does not accept the *sunnah* worship unless one finishes his obligatory worship.

Yaqub and Al-Qarḍāwī similarly quoted al-Ghazali's argument that among the flaw of the wealthy Muslims is throwing their money on the *hajj* and *'umrah* and letting their neighbors starve. They often show off arrogantly that they have done the *hajj*.⁴⁰

Conclusion

Ali Mustafa Yaqub in his book entitled *Haji Pengabdī Setan* and *Mewaspadai Provokator Haji* uses his unique method to understand hadith because the previous scholars did not employ that method. In his fatwa on *Haji Pengabdī Setan* (The pilgrim Who is the Satan's Slave), he uses the priority scale in worship to analyze hadith. He tends to prefer social worship to the individual one. This method is seldom found in the previous studies of hadith. Compared to the earlier studies on the topic, he bravely argues that excessive *hajj* and *'umrah* are *makrūh* and possibly *ḥarām* from the *ijmā'ī* (global), textual, and partial method. Due to the partial method, Yaqub's conclusion on the law of excessive *hajj* is less accurate.

In concluding about the excessive *hajj* and *'umrah* in his book, Yaqub does not refer to the principle of *al-uṣūl al-fiqhīyah*. He does not analyze the *fiqh* and chooses a direct analysis of the related hadith. I also found out that Yaqub adopts al-Qarḍāwī's argument in his famous book entitled *Fiqh al-Awlawiyāt* (priority-scale *fiqh*). The book also contains issues on the excessive *hajj* and *'umrah*. Yaqub's adoption of al-Qarḍāwī's arguments can be easily found in similarities and conclusions between their books, although Yaqub does not mention him in the references and footnotes.

Bibliography

- Baghdādī (al), Imām al-Khaṭīb. *Tārīkh Baghdād*. Beirut: Dār al-Kutub al-ʿIlmiyah, 1417H/1997M.
- Bukhārī (al), Muḥammad b. Ismāʿīl. *Ṣaḥīḥ al-Bukhārī*. Beirut: Dār Ibn Kathīr, t.th.
- Daylamī (al), Abū Maṣṣūr. *Firdaws al-Akḥbār*. Cet.I. Beirut: Dār al-Kitāb al-ʿArabī, 1407 H/1987M.

⁴⁰ Ibid., 304.

- Hamadah, Abbas Mutawally. *Al-Sunnah al-Nabawīyah wa Makānatuhā fī al-Tashrī'*. Mesir: Dār al-Qawmīyah, t.th.
- Hamim Ilyas dan Suryadi. *Kontekstualisasi Hadis dalam Studi Agama: Bunga Rampai Wacana Studi Hadis Kontemporer*. Yogyakarta: Tiara Wacana, 2002.
- Ismail, M. Syuhudi. *Hadis Nabi yang Tekstual dan Kontekstual: Telaah Ma'ani al-Hadis Tentang Ajaran Islam yang Universal, Temporal dan Lokal*. Jakarta: Bulan Bintang, 1994.
- Munawwar (al), Said Agil Husain dan Abdul Mustaqim. *Asbabul Wurud Studi Kritis Atas Hadis Nabi, Pendekatan Sosio, Historis, Kontekstual*. Yogyakarta: Pustaka Pelajar, 2001.
- Naysabūrī (al), Muslim b. al-Ḥajjāj. *Ṣaḥīḥ Muslim*. Beirut: Dār Ihyā' al-Turāth, t.th.
- Qardāwī (al), Yūsuf. *Fiqh al-Awlawīyāt Dirāsah Jadīdah fī Ḍaw' al-Qur'ān wa al-Sunnah*. Cet.1. Kairo: Maktabat Wahbah, 1996.
- Rushd (Ibn), Al-Faqīh 'Abd al-Walīd Muḥammad b. Aḥmad b. Muḥammad. *Bidāyat al-Mujtahid wa Nihāyat al-Muqtaṣid*. Beirut: Dār al-Jayl, 1989.
- Shāfi'ī (al), Muḥammad b. Idrīs. *Al-Umm*. Diedit oleh Rifat Fawzī 'Abd al-Muṭṭallib. Manṣūrah: Dār al-Wafā', 2004.
- Siba'ī (al), Mustafā. *Al-Sunnah wa Makānatuhā fī Tashrī' al-Islāmī*. t.tp: Dār al-Qawmīyat al-Tibā'āt wa al-Nashr, t.th.
- Taymīyah (Ibn), Muḥammad. *Majmū' al-Fatāwā*. Riyāḍ: Majma' al-Mālik Fahd, 1995.
- Tirmidhī (al), Abū 'Isā Muḥammad b. 'Isa b. Sawrah. *Sunan al-Tirmidhī*. Beirut: Dār al-Fikr, 1417H/1997 M.
- Yaqub, Ali Mustafa. "Serban dan Jubah Haram." *Republika*. Jakarta, 17 Februari 2014.
- _____. *Al-Turūq al-Ṣaḥīḥah fī Fahm al-Sunnah al-Nabawīyah*. Cet.2. Jakarta: Maktabah Dār al-Sunnah, 2016 M/1437.
- _____. *Fatwa-fatwa Imam Besar Masjid Istiqlal*. Jakarta: Pustaka Firdaus, 2008.
- _____. *Hadis-hadis Bermasalah*. Jakarta: Pustaka Firdaus, 2014.
- _____. *Haji Pengabdian Setan*. Cet.4. Jakarta: Pustaka Firdaus, 2015.
- _____. *Islam Masa Kini*. Jakarta: Pustaka Firdaus, 2006.
- _____. *Mewaspadai Provokator Haji*. Jakarta: Pustaka Firdaus, 2009.
- _____. *Setan Berkalung Surban*. Jakarta: Pustaka Firdaus, 2011.