

Revisiting Imam Ahmad Bin Hanbal's Background And Thoughts

¹Yulita Putri, ²Abid Nurhuda, ³Adelia Apriska Lira, ⁴Bunga Aurora,
⁵Nur Muhammad Lathif

^{1,2}Universitas Nahdlatul Ulama Surakarta, ^{3,4}UIN Sunan Kalijaga Yogyakarta,

⁵Umraniye Buyuk Kurs Istanbul, Turkey

e-mail: yulitaputrilpg@gmail.com

Abstract: *Islamic law provides many methods for deciding a case, starting from the lafdziyah method to the makawiyah method carried out by four madzhab imams, one of whom is famous is Imam Ahmad Bin Hanbal. This research aims to describe the history of the life and thoughts of Imam Ahmad Bin Hanbal. The method used is qualitative with literature study techniques then descriptive analysis is carried out. The research results show that Imam Ahmad Bin Hanbal is a Sunni Islamic cleric from Baghdad, Iraq. His thinking tends towards literalism and conservatism in the interpretation of religion. This is because the legal istinbath method used by him is based on Nash (Al-Quran and Sunnah), Fatwa of the Companions, Mursal hadith, dha'if hadith, and Qiyas. One example of the application of legal istinbath in fiqh carried out by Imam Ahmad Ibn Hanbal is regarding the law on female judges in Islam where he believes that women should not be judges based on Nash Al-Quran surah An-Nnisa verse 34. However, in the current era, it is less relevant if it continues to be implemented because the ability to become a leader, judge, or any other profession should not be based on gender. This is also in line with the thoughts of Yusuf Al-Qardawi and several contemporary scholars who have gender-friendly thoughts.*

Keywords: *History of the Life; Thoughts; Imam; Ahmad bin Hanbal.*

Introduction

Allah sent the Prophet Muhammad Saw. to bring the true and easy religion (*al-banafiyyah as-samhab*), this is illustrated in his words that the religion favored by Allah SAT is *al-banafiyyah as-samhab*. Truth and convenience are complemented by a practical way of life that includes everything *as-sya'ri'ah al-jami'ah*. However, in its comprehensive nature, there are two different things, religious teachings, and norms that do not change and dynamic things, namely teachings, and norms that can change according to changes in time, place, and conditions.¹ Irrational norms and teachings, which do not change due to shifts in time and differences in place, are the nodes of belief, or (*al'aqaid*) and worship (*al-'ibadah*), for this issue, a detailed explanation is given or what is called detailed and perfect *Mufhalablah* and explained in comprehensive texts. Therefore, it is not justified to add or subtract.²

¹ Puguh Fitri Setyo Widodo en Abid Nurhuda, "Practice of kafa'ah in marriage and its urgency in society viewed from Islam perspektive (Case Study in the Pitu Hamlet Community, Pitu Village, Pitu District, Ngawi Regency)", *Journal of Law Science* 5, no 2 (2023): 93–98, <http://ioescience.org/ejournal/index.php/JLS/article/view/3832>.

² Faizal Amin, *Ilmu Kalam: Sejarah Pemikiran Islam dan Aktualisasinya* (Pontianak: STAIN Press, 2012).

Furthermore, the new problem is that there is flexibility in the dimensions of Islamic law where the ulama are given the freedom to try as hard as they can when carrying out *ijtihad*, if they are wrong they get one reward, and if they are right they get two rewards.³ This kind of thing is the scope that is the point of discussion of Islamic law (*tasyri'*) where the pattern of drawing on Islamic law is dimensioned by time, place, and the influence of the scope it faces.

To understand the history of Islamic law (*tasyri'*) completely is very difficult without discussing the biography and methodology of legal *istinbath*. According to historians, from the biography, they get a character of *ijtihad* that has been produced according to their personality in solving problems in looking at legal events in the field (law in action) which is guessed based on normativity (law in book).⁴ Then, from looking at existing problems, the ulama solve problems using certain methodological patterns which are more or less influenced by several indicators, both scientific and legal facts that ensnare them, so that inevitably the ulama create a series of patterns on how to issue sharia law which has not been directly confirmed by *nas al-Qur'an* and *Sunnah*, or efforts and methods of issuing law from its source (*al-Qur'an* and *al-Sunnah*) or what scholars usually call legal *istinbath*.⁵

In general, there are two methods of legal *istinbath*, the first is the *ma'nawiyah* method (*al-turuq al-ma'nawiyah*) and the second is the *lafziyah* method. The *ma'nawiyah* method is "drawing legal conclusions (*istidlâl*) not from direct texts such as (the use of) *al-qiyâs*, *al-istihsân*, *al-masâlih*, *al-dzarâ'i* and so on". The *lafziyah* method is concluding the book that can be seen directly from the text.⁶

In Islam, we know four major school imams who are famous to all people in the past and present. They are Abu Hanifah An Nu'man often known as Hanafi, Malik ibn Anas often known as Maliki, Muhammad Idris Asy-syafi'i often known as Imam Syafi'i, and Ahmad ibn Muhammad Ibn Hanbal often known as Hanbali. Because of their great sacrifice and devotion to the most holy religion of Islam, especially in the field of jurisprudence, they have reached a good and high rank or position in Islam. Their legacy is a great and eternal practice of jurisprudence which is a glory for the Islamic religion and Muslims in general.⁷ The views of the four schools of thought are better known in the study of jurisprudence, where they have different opinions in analyzing the position and application of Islamic law. In this article we discussed more

³ Muhammad Imam Pamungkas, *Fiqih 4 Mazhab* (Jakarta Timur: Al-Makmur, 2015).

⁴ Sulaiman Rasjid, *Fiqih Islam : Hukum Fiqih Islam* (Bandung: Sinar Baru Algesindo, 2014).

⁵ Isti Nurafifah, Muslihudin, en Abid Nurhuda, "Analisis Penetapan Pengadilan Agama Surabaya No. 0378/Pdt.P/2020/Pa.Sby Ditinjau Dari Kewarisan Islam Dan Hak Asasi Manusia", *Jis : Journal Islamic Studies* 1, no 0378 (2023): 342–63.

⁶ Amir Syarifuddin, *Garis- Garis Besar Fiqih* (Jakarta: Kencana, 2013).

⁷ Achmad Sunarto en Muhammad Nawawi Al-Jawi, *Fiqih Islam dan Tasawuf* (Surabaya: Mutiara Ilmu, 2013).

specifically one of the great school imams, namely Al-Imam Ahmad ibn Hanbal. Al-Imam Ahmad ibn Hanbal has a different pattern of criteria in interpreting the law (*tasyri'*). Of course, this was influenced by the socio-historical conditions at that time.

Method

The method used in this research is a library study approach which can be interpreted as a series of activities relating to methods of collecting library data, reading and taking notes, and managing research materials from various relevant sources, including books, e-books, journals, articles, websites or research. others in the documentation.⁸ After that, a careful analysis is carried out on certain parts to form a pattern that can answer the problem so that verifiable conclusions can be drawn.

Result and Discussion

Biography of Imam Ahmad bin Hanbal

His full name is Abu Abdullah Ahmad bin Hilal Al-Syaibani, one of the founders of the four schools of thought which were named the Hanbali school. He was born on 20 Rabiul Awal 164 AH or 27 November 780 AD. Imam Ahmad was born into a respectable family who had the greatness of soul, the strength of will, patience, and resilience in facing suffering. While still in the womb, his father passed away to Allah SWT. He lived like ordinary people lived among them and felt their suffering, wounds, and sorrow. His daily nickname is Abu Abdullah.⁹

Imam Abu Hanifah is a mujtahid scholar in the field of fiqh and one of the four famous school imams (Maliki, Syafi'i, Hambali Madzhab). Ahmad is married and has two sons who are famous in the field of hadith, namely Salih and Abdullah. His two sons are many received hadiths from his father and included several hadiths in his father's Musnad book. Imam Ahmad ibn Hanbal is the fourth Imam of the Islamic jurisprudence. He is a person who has noble qualities and high character. Imam Ahmad is also an ascetic, clean in heart from all kinds of material influences. He is also known as a quiet person, but he is interested in always having discussions and does not hesitate to correct his own opinion if it is clear that someone else's opinion is more correct. He

⁸ Abid Nurhuda et al., "FLASHBACK OF THE MOSQUE IN HISTORY: FROM THE PROPHET'S PERIOD TO THE ABASIYYAH DYNASTY", *LISAN AL-HAL: Jurnal Pengembangan Pemikiran Dan Kebudayaan* 17, no 2 (2023): 241–50, <https://doi.org/https://doi.org/10.35316/lisanalhal.v17i2.241-250>.

⁹ Muhammad Qomarullah, "Getting to Know the Tis'ah Pole and Biography of its Authors (Imam Malik, Imam Ahmad Ibn Hambal and Al-Damiri)," Paper Knowledge. Toward a Media History of Documents, Vol 7 No.2 (2017): p. 15–27.

is a broad-minded person, a scholar who has a deep understanding of the spirit of Sharia.¹⁰

During his life, Imam Ahmad loved the Sunnah of the Prophet Muhammad so much that he encouraged him to imitate the Prophet Muhammad in all matters of religion and the world. He did not memorize a single hadith except to practice it. So some groups see him more as a hadith scientist than a fiqh scientist. Imam Ahmad became interested in writing hadith in 179 Hijriyah when he was 16 years old. He continued to be in the city of Baghdad taking hadith from the hadith sheikhs of that city until 186. He performed *mulaẓamah* on his sheikh, Hasyim bin Basyir bin Abu Hazim al-Wasithiy until his sheikh died in 183. It was stated by his son that he took the hadith from Hasyim has more than three hundred thousand hadiths.

Imam Ahmad grew up as an orphan. His mother, Shafiyah bint Maimunah bint 'Abdul Malik asy-Syaibaniy, played a full role in educating and raising him. His mother came from a prominent class. Fortunately, their father left them two houses in the city of Baghdad. It was from the city of Baghdad that he began to devote his attention to studying and searching for hadith as wisely as possible since he was only 16 years old. He received his first education in the city of Baghdad. At that time, the city of Baghdad had become the center of civilization in the Islamic world, full of people of different origins and diverse cultures, and full of various types of knowledge.¹¹ There lived reciters, hadith experts, Sufis, linguists, philosophers, and so on. After he had memorized the Koran and studied Arabic at *al-Kuttāb* when he was 14 years old, he continued his education at ad-Diwan.

He continued to study with high ambition and was not easily shaken. His mother guided him a lot and encouraged him. He did not forget to remind him to pay attention to his condition, especially in health matters. About this, he once said, "Sometimes I want to go early in the morning to get a hadith (narration), but Mother immediately takes my clothes and says, 'Be patient first. Wait until the call to prayer sounds or after people have finished the morning prayer.' At that time, his attention was focused on his desire to retrieve the hadith from its narrators. He said that the first person from whom he took hadith was al-Qadhi Abu Yusuf, a student/colleague of Imam Abu Hanifah. Imam Ahmad became interested in writing hadith in 179 when he was 16 years old.¹²

He continued to be in the city of Baghdad taking hadith from the hadith sheikhs of that city until 186. He performed *mulazamah* on his sheikh, Hasyim bin Basyir bin Abu Hazim al-Wasithiy until his sheikh died in 183. It was stated by his son

¹⁰ Wahbah Az-Zuhaili, *Fiqih Islam Wa Adillatubnu* (Jakarta: Gema Insani, 2010).

¹¹ Pamungkas, *Fiqih 4 Mazhab*.

¹² Haroen dalam Harun, *Fiqih Muamalah* (Surakarta: Muhammadiyah University, 2017).

that he took the hadith from Hasyim has more than three hundred thousand hadiths. Imam Ahmad lived in Baghdad, which was the number one center of civilization and science at that time. There, lived experts in science. Since childhood, Imam Ahmad memorized the Koran and studied Arabic, hadith, and history. When he grew up, Imam Ahmad chose to pursue hadith science which required him to travel to various cities in search of hadith. In his travels, Imam Ahmad also studied Fiqh. Therefore, he can combine hadith and fiqh at the same time. Thus, he was very devoted to recording hadiths, and his diligence kept him busy with other things, including marriage.¹³

He only got married after he was 40 years old. Some people said to him, "O Abu Abdillah, you have achieved all this. You have become the imam of the Muslims." He answered, "Together with the *mabbarah* (inkwell) to the *maqbarah* (grave). I will continue to study until I enter the grave." And indeed that was always his situation: studying hadith, giving fatwas, and other activities that benefited Muslims. Meanwhile, his students gathered around him, taking from him (knowledge of) hadith, fiqh, and others. Many scholars have taken knowledge from him, including his two sons, Abdullah and Salih, Abu Zur'ah, and Bukhari. Imam Ahmad Bin Hanbal died on August 4, 855, or 12 Rabiul Awal 241.

Understanding Legal *Istinbath*

Etymologically, the word *istinbath* comes from the noun *an-nabṭ*, the Masdar form of the *Nabata Yanbuṭu-Nabṭan*, which means water that comes out of a well that was first dug. According to Haitsam Hilal, the word *Istinbath* means removing water from the ground. Thus, the word *Istinbath* is used in the sense of *Al-istikbraj* (to bring out), namely to bring out or explain something that was previously still unclear.¹⁴

Terminologically, the word *Istinbat* means an effort to extract meaning from the texts (Al-Qur'an and As-Sunnah) relating to difficult and important matters by devoting optimal power of reason and ability.¹⁵ The understanding of this term is still general so *Istinbat* can be carried out by fiqh scholars and scholars who are experts in fields other than Fiqh. Therefore, the terminology of *istinbat* must be limited to the area of fiqh (Islamic law). With restrictions in the area of Islamic law, in short, *istinbat* is an attempt to draw law from the texts (Al-Qur'an and As-Sunnah) using *ijtihad*.

¹³ Yasin Syafii Azami, Abid Nurhuda, en Murjazin Murjazin, "Terminologically of Tasawuf: An Introduction", *Advances in Humanities and Contemporary Studies* 4, no 2 (2023): 160–66, <https://penerbit.uthm.edu.my/periodicals/index.php/ahcs/article/view/13666>.

¹⁴ Musthafa Dib Al-Bugha, *Ringkasan Fiqih Mazhab Syafii* (Jakarta: PT Mizan Publika, 2017).

¹⁵ Murjazin Murjazin, Abid Nurhuda, en Thariq Aziz, "Community Social Education in the Perspective of the Hadith of the Prophet Muhammad SAW", *IJECA (International Journal of Education and Curriculum Application)* 6, no 2 (2023): 161–70, <https://doi.org/https://doi.org/10.31764/ijeca.v6i2.16418>.

The term *ijtihad* gives a signal that *istinbath* must be carried out using *ushuliyah* rules as operational guidelines in explaining *syar'i* texts based on the perspective of Islamic law. Based on the explanation above, it can be concluded that *istinbath* is an effort to discover the laws of Sharia from the texts of the Al-Qur'an and Ash Sunnah which are carried out by devoting the ability of reason and thought. At first glance, it seems that there are similarities between the meanings of *Istinbath* and *Ijtihad*.¹⁶ However, in essence, there are differences between *istinbath* and *ijtihad*. *Ijtihad* has a broader scope than *istinbath*, because '*istinbath* is the framework of *ijtihad*'. The focus of *istinbath* is the texts of the Koran and As-Sunnah.¹⁷ Therefore, the effort to understand, extract and formulate law from these two sources is called *istinbath*. Meanwhile, understanding, exploring, and formulating law which is carried out through the methods of *qiyas*, *istiṣhab*, *istiṣlah*, and other rational arguments is called *ijtihad*.

In legal *istinbat* with a linguistic approach, the first thing that receives attention from *ushul fiqh* scholars is the meaning of *lafadz* about the position of *lafadz* in the sentence. Next, the discussion about *lafadz* will expand to the study of *lafadz* by looking at it from various sides.¹⁸ The main objects that will be discussed in *Ushul Fiqh* are the Al-Quran and the Sunnah. To understand the texts of these two sources in Arabic, the Ulama have compiled a kind of "semantics" that will be used in the practice of Arabic *Fiqh* reasoning to convey a message in various ways and at various levels of clarity, for this reason, the experts have created several categories of pronunciation or redaction, among which the most important and will be presented here are the Amar, Nahi and Takhir issues.

Imam Ahmad bin Hanbal's Legal Istinbath Method

Istinbāth Imam Ahmad ibn Hanbal's method in establishing laws is that if he has found a text from the Al-Qur'an and from the Sunnah of the Prophet that is authentic, then he determines the law using that text. If he did not get a clear text, either from the Qur'an or from authentic hadith, then he used fatwas from the companions of the Prophet who did not disagree with them.¹⁹ If there were differences between the fatwas of the companions, Imam Ahmad ibn Hanbal chose an opinion

¹⁶ Imam Khoirul Ulumuddin, "Fiqh Kelautan; Tinjauan Teoritis dan Praktis Pelaksanaan Ibadah Shalat di atas Kapal Laut", *JURNAL IQTISAD: Reconstruction of Justice and Welfare for Indonesia* 7, no 2 (2020): 237–38.

¹⁷ Murjazin Murjazin et al., "Psychological and Physiological Motives in Humans (Study on Verses of The Qur'an)", *Subuf* 35, no 1 (2023): 30–44, <https://doi.org/10.23917/suhuf.v35i1.22581>.

¹⁸ Ridwan Ridwan, *Fiqih Politik: Gagasan, Harapan, dan Kenyataan* (Yogyakarta: UII Press, 2007).

¹⁹ Abid Nurhuda en Nur Aini, "Bergandengan di Tengah Keberagaman (Moderasi Beragama di Indonesia)", *Jurnal Sudut Pandang* 2, no 9 (2021): 24–27, <https://doi.org/https://doi.org/10.55314/jsp.v2i9.196>.

that was closer to the Al-Qur'an and Sunnah. If he does not find any of the three points above, then he establishes the law with *mursal* hadith and *dha'if* hadith. In the view of Imam Ahmad ibn Hanbal, there are only two groups of hadith, namely, authentic hadith and *dha'if* hadith.²⁰ If Imam Ahmad ibn Hanbal did not get the text from the *mursal* hadith and *dha'if* hadith, then he made an analogy/used qiyas. Qiyas is an argument used in cases of emergency (compulsion). And finally, Imam Ahmad bin Hanbal also used *sadd al-dzāra'i* to take preventive action against negative things.²¹ The legal bases used by Imam Ahmad bin Hanbal are:

a. Nash from the Koran and Sunnah

The Qur'an is the words of Allah SWT which were passed down by the spirit of Amin into the heart of Rasulullah in Arabic language so that it could become proof for Rasulullah that he was the messenger of Allah SWT. Al-Hadith is all the sayings, actions, and circumstances or behavior of the Prophet SAW. If he finds a problem that requires a legal solution, then first he must look for the answer to the problem in the text, and then he is obliged to establish a law based on that text.²²

The Qur'an is the first source for exploring the sources of fiqh law. While the Sunnah itself is an explanation of the Qur'an and an interpretation of its laws, it is not strange that he used the Qur'an and Sunnah as pioneering sources for his fiqh opinions.²³ The reason the Koran is used as the first basis and must take precedence over the Sunnah is:

- 1) The Qur'an is *qath'i*, while the sunnah is *ẓhanni*. We only believe that the sunnah of the prophet must be followed. But we cannot be sure that everything said by the Prophet's sunnah is true sunnah.
- 2) Sunnah, its function is to explain the Qur'an or add to its laws. If it is explanatory, then of course it is under the Qur'an. If you bring in a new law, it can be accepted, if the new law is not in the Koran. The hadith itself places itself in second place, as can be concluded from the hadith of *Muadz*.

b. Fatwa of the Companions of the Prophet SAW

Friends are people who lived during the time of the Prophet Muhammad and believed in and followed the teachings of the Prophet Muhammad. If he did not receive a clear text, both from the Qur'an and the Sunnah, then he used fatwas from the Prophet's companions who had no dispute among the ulama. The friends who

²⁰ Az-Zuhaili, *Fiqih Islam Wa Adillatuhu*.

²¹ Ita Sofia Ningrum, "Fundamentals of Scholars in Conducting Ijtihad and Istinbāth Methods of Law," *Mizan: Journal of Sharia Science*. Vol 5 No. 1 (2017), pp. 93–108.

²² Abdul Wahab Khallaf, *Ilmu Ushul Fiqh*, Terj. *Hallmudin* (Jakarta: PT Rineka Cipta, 2005).

²³ Nita Yuli Astuti en Budi Sujati, "Hadits Tentang Pendidikan Akhlak dan Pendidikan Sosial", *Al-Bayan: Jurnal Ilmu al-Qur'an dan Hadist* 5, no 2 (2022): 142–68, <https://doi.org/https://doi.org/10.35132/albayan.v5i2.225>.

were famous as muftis or mujtahids were Zaid Ibn Thabit, Abdullah Ibn Abbas, and Abdullah ibn Mas'ud. When he received the text, he no longer paid attention to other arguments and did not pay attention to the opinions of friends who contradicted him.

c. Fatwa of Friends Who Are Still in Dispute

If there was a conflict of opinion between his friends, he chose an opinion based on the Qur'an and hadith. If their opinions cannot be compromised, he still expresses his own opinion but he does not take their opinion as a source of law. The majority of ulama recognize the fatwa of friends as the basis for establishing laws.²⁴ Likewise, according to him, it is permissible to take fatwas originating from the Salaf group and fatwas from friends. Their fatwa is more important than the fatwa of contemporary ulama. Because the fatwa of the friends is closer to the truth. Their lifetime was closer to the lifetime of the Apostle. If the friends' fatwas differed, Ahmad bin Hanbal chose one of their opinions which was closer to the Koran and Sunnah.

d. *Mursal* Hadith and *Dba'if* Hadith

Mursal hadith is a hadith whose narrator and its sanad fall after *tabi'in*. *Da'if* hadiths are *mardud* hadiths, hadiths that are rejected or cannot be used as proof or evidence in establishing law. The word *al-Dba'if*, linguistically is the opposite of *al-Qawiy*, which means strong. This hadith is used when no information or opinion rejects it. The understanding of *dba'if* hadith in the past is not the same as the understanding today.²⁵ During Imam Ahmad's time, there were only two types of hadith, namely authentic and *dba'if* hadith. What is meant by *dba'if* here is not *dba'if* which is false and wrong, but is a hadith that does not have a strong *sanad* which is classified as authentic and hasan. According to Ahmad, hadith are not divided into authentic, *hasan*, and *dba'if* but authentic and *dba'if*. The division of hadith into *sahih*, *Hasan*, and *dba'if* was popularized by al-Turmidhi. There are levels of *dba'if* hadiths, what is meant by *dba'if* here is at the highest level. Using this kind of hadith is more important than using *qiyas*.

If it is not found in the Qur'an, Hadith, or fatwa of friends that is agreed upon or which is still in dispute, then he determines it with *mursal* and *dba'if* hadiths which are not very *dhaij* (which are hadiths that do not reach the level of authentic and include *hasan hadith*).²⁶

²⁴ Abbas Arfan, *Fiqih Ibadah Praktis* (Malang: UIN Maliki Press, 2011).

²⁵ Yasin Syafii Azami et al., "ISLAMIC EDUCATION ENVIRONMENT IN THE PERSPECTIVE OF HADITH AND ITS IMPLICATIONS FOR STUDENT DEVELOPMENT", *FORUM PAEDAGOGIK* 14, no 2 (2023): 150–70, <https://doi.org/https://doi.org/10.24952/paedagogik.v14i2.8543>.

²⁶ Abduh Al-Manar et al., *Fiqih Wabab Panduan Syariah, Fatwa Ulama, Regulasi Hukum, dan Mitigasi Spiritual* (Depok: Albayzin, 2020).

Ahmad bin Hanbal uses the *Mursal* and *Dhaif* Hadith when there is no *atsar*, *qaul* friends, or *ijma'* that violates it. Imam Hanbal divides hadith into two, namely *mursal* and *dhaif* hadith, unlike the scholars who divide hadith into *sahih*, *hasan* and *dhaif*.²⁷ If there is no resolution to a case, then the *mursal* and *dhaif* hadith are used as evidence. However, the *dhaif* hadith used does not mean the *dhaif* hadith which is false, wrong and the hadith which in the narration contains a narrator whose honesty is doubtful. If the *dhaif* hadith does not have *atsar* who disputes its validity or the friend's opinion or *ijma*, then practicing the *dhaif* hadith is more important than doing *qiyas*. In an emergency, Imam Hambal accepted the *dhaif* hadith and prioritized it over *qiyas*. He determined the law by taking the basis of the hadith *mursal* and *dhaif* if he did not find a clear text from the Al-Quran, Sunnah, and the fatwa of friends that was mutually agreed upon.²⁸

e. *Qiyas*

In fiqh, the meaning of *Qiyas* is to equate problems for which there are no texts and legal arguments yet with other problems for which laws already exist, and the arguments are recorded, by looking at the similarities like the two which determine the law. If it is not in the text, as-Sunnah, *qaul*, famous history, *mursal*, and *dhaif* hadith, Ahmad bin Hanbal makes an analogy (using *qiyas*) and *qiyas* for him is an argument that is used in forced situations.

Application of Legal Istinbath in Fiqh

In essence, the ulama' agree that Imam Ahmad ibn Hanbal was a leading expert on Al-Hadith, and never wrote the book of fiqh directly, because all the fiqh issues associated with him only came from his fatwas which were answers to questions. which was proposed against him, while those who prepared it were his followers.²⁹ Furthermore, Ahmad ibn Hanbal's fiqh is based more on Al-Hadith, in the sense that if it is contained in the al-sahih hadith, what is taken is only the al-sahih hadith without paying attention to the others. And if a friend's fatwa is found, then the friend's fatwa is implemented.³⁰ However, if it is found that several fatwas from friends and their fatwas are not uniform, then their fatwa is chosen which is closer to the Qur'an and Al-Hadith. If the friends differ on a problem, then both of them are used as evidence. However, if an *al-mursal* or *dhaif* hadith is found, then he prioritizes Al-Hadith over

²⁷ Al-Bugha, *Ringkasan Fiqih Mazhab Syafii*.

²⁸ Muhammad Ali As-Sayis, *Pertumbuhan dan Perkembangan Hukum Fiqih; Hasil Refleksi Ijtihad. Terjemahan M.Ali Hasan* (Jakarta: Raja Grafindo, 2005).

²⁹ Muhammad Ali Hasan, *Perbandingan Mazhab* (Jakarta: PT Raja Grafindo Persada, 2002).

³⁰ Tariq Suwaidan, *Biografi Imam Ahmad ibn Hanbal* (Jakarta: Penerbit Kemang, 2007).

Al-Qiyas. It is because of this that Al-Qiyas is not used unless it is forced, so he does not like to use fatwas that are not based on *atsar sababa* or *tabin*.

One example of the results of Imam Ahmad Bin Hanbal's legal *istinbath* is the question of the position of female judges in Islam which is based on Qs. Women; 34.

“Men (husbands) are responsible for women (wives) because Allah has preferred some of them (men) over others (women) and because they (men) have spent part of their wealth. Pious women are those who are obedient (to Allah) and take care of themselves when (their husbands) are not around because Allah has taken care of (them). Women who you are worried about nusyuz, give them advice, leave them in bed (separate beds), and (if necessary,) beat them (in a way that doesn't hurt). However, if they obey you, do not look for ways to trouble them. Indeed, Allah is Most High, Most Great.”

Imam Ahmad bin Hanbal's view is guided by the text of the Koran and Hadith. According to him, the words "advantages" referred to in this paragraph are related to the use of reasoning and thinking power which in many cases, especially in the context of justice, women cannot do things the same as men. Hadith about female leaders; "A nation will not experience success if leadership is handed over to women."

When interpreting this hadith, he prohibited women from becoming judges because he also used syllogism logic (almost identical to qiyas). The syllogism logic used in understanding the hadith is that the hadith is a reproach, while a reproach carries a prohibition and then the ban also means showing the badness of something that is prohibited. From this statement, it is clear that whatever the reason, the validity of women as judges cannot be accounted for or in other words, they are invalid as judges.³¹

Not only does it use sharia texts as an argument for the prohibition of women as judges, but it also points out historical factors that developed in Islamic civilization. It is said that according to him, it has never been recorded in history that the Messenger of Allah or his companions after (*Khublaifa al-Rasyidin*) appointed women as judges, if only according to the Shari'a it was permissible, of course, there would be women who were appointed as judges to determine sentences for criminal acts committed by women. Regardless of whether the arguments used by Ahmad Ibn Hanbal are accurate or not, according to him it is not legal for women to be appointed as judges.³²

³¹ Qomarullah, "Mengenal Kutub Tis'ah Dan Biografi Pengarangnya (Imam Malik, Imam Ahmad Ibn Hambal Dan Al-Damiri)".

³²Fadlin, "The Legal Istimbath Method of Ahmad Ibn Hanbal and Yusuf Al-Qardhawi Concerning the Position of Women Judges in Islam", Postgraduate Thesis at UIN Syarif Hidayatullah Jakarta, (Jakarta: UIN Syarif Hidayatullah Jakarta Postgraduate Online Library, 2022) Page. 199.

Author's opinion on Imam Ahmad Ibn Hanbal's Istinbath

Before providing an analysis of Imam Ahmad Ibn Hanbal's istinbath regarding the law of female judges in Islam, it is better to examine the social background of Imam Ahmad Ibn Hanbal's life, because social life has a big influence on a human's view. After all, a view is formed from perceptions of normative postulates. and perceived reality.

The era of Imam Ahmad's life was a period in which very strong theological disputes occurred. The dispute involved the *Ablu Sunah Waljamaah* group the muktazilah group and even the Shiites. Disputes between these groups cannot be separated from the movement to translate philosophical books instructed by Caliph al-Ma'mun. The caliph al-Ma'mun himself was a strict adherent of Muktazilah thought. Muktazilah is a teaching based on pure reason (ratio) in understanding theological problems in Islam.³³ This teaching is based on a philosophy that prioritizes the power of reason in understanding and explaining the nature of God, so it sometimes ignores the arguments of the Koran and Hadith.

The thoughts of the Muktazilah were opposed by the *Ablusunah* ulama at that time. They consider that this understanding deviates from the demands of revelation because it gives priority to reason rather than postulates. It is the sha'i proposition that should be the reference in explaining religion. The *Ablusunah* hereby does not reject the use of reason in religion, but correct reasoning is that which follows the aims and objectives of the proposition, not against it.³⁴

Imam Ahmad Ibn Hanbal is one of the *Ablu Sunnah Waljamaah* scholars who is very firm on Muktazilah thought. Imam Ahmad did not want to compromise in the slightest on the results of their ideas which were not true even if they were supported by the Caliph. The socio-historical conditions at that time encouraged Imam Ahmad to try to return Islamic teachings to the main sources, namely the Al-Qur'an and Hadith. Imam Ahmad has very good enthusiasm and intentions.

However, in this case, namely the prohibition of women becoming judges, the author disagrees. According to the author, women are creatures created by God, the same as men. The only difference between the two is their laughter. All opportunities and potential are owned by all humans.³⁵ The author agrees with Yusuf

³³ Yassir Lana Amrona et al., "Human Nature In The Perspective Of Islamic Philosophy", *Lisan Al-Hal: Jurnal Pengembangan Pemikiran Dan Kebudayaan* 17, no 2 (2023): 204–16, <https://doi.org/https://doi.org/10.35316/lisanalhal.v17i2.204-216>.

³⁴ Khoirun Nisa Nur'Aini, Abid Nurhuda, en Ali Anhar Syi'bul Huda, "Pluralism In The Perspective Of Kh Abdurrahman Wahid: An Introduction To Multicultural Education", *Bidayah: Studi Ilmu-Ilmu Keislaman* 14, no 2 (2023): 230–38, <https://doi.org/https://doi.org/10.47498/bidayah.v14i2.2203>.

³⁵ Linna Susanti et al., "The Reality of Tarbiyah, Ta'lim, and Ta'dib in Islamic Education", *SUHUF* 35, no 2 (2023): 11–19, <https://doi.org/10.23917/suhuf.v35i2.22964>.

Al-Qaradawi's opinion on this matter. He revealed that women are allowed to become judges, which is of course by their expertise in their field because no argument expressly prohibits a woman from becoming a judge, so that gender does not determine whether a person can hold the position of judge. There are also strong reasons that a woman may be a judge, so there is no reason to deny a woman from being a judge.

The determination of a judge is not seen from gender but is seen from the aspect of the ability to carry out judicial duties, because many women also can be a judge, so there is no strong reason to prohibit a woman from becoming a judge. Men and women have the same role in upholding justice, namely ordering what is right and preventing what is wrong, as long as the role they play is to uphold justice, then there is no longer any difference in gender so women can hold the position of judge.

The position of female judges in Islam is still within the *khilafiyah* of differences of opinion from ulama, this does not prevent a woman from becoming a judge because judges are not seen based on gender but rather on a person's capabilities and capabilities in carrying out their duties as a judge. As for the existence of ulama who prohibit women from becoming judges, it must still be taken into consideration that women can be placed as member judges, and not as chief judges who can make legal decisions. So, the absolute rejection of a woman who can become a judge just because she is a woman is not appropriate, according to the author.

Conclusion

From the explanation above it can be concluded that Imam Ahmad Bin Hanbal was a cleric and imam in the Sunni Islamic tradition, he was born in 780 AD in Baghdad, Iraq. His family came from an Arab tribe and had honorable ancestry. Imam Ahmad is revered as one of the four Sunni sects. His thinking tends towards literalism and conservatism in religious interpretation. He died in 855 AD. The legal *istinbath* method used by him is based on Nash (Al-Quran and Sunnah), Fatwa of the companions of the Prophet SAW, Fatwa of friends who are still in dispute, Mursal hadith and Da'if Hadith and Qiyas. One example application of legal *istinbath* in fiqh carried out by Imam Ahmad Ibn Hanbal is regarding the law of female judges in Islam where he believes that women should not be judges based on Nash Al-Quran surah An-Nisa verse 34. However, In the current era, it is less relevant if it continues to be implemented because the ability to become a leader, judge, or any other profession cannot be based on gender. This is also in line with the thoughts of Yusuf Al-Qardawi and several contemporary scholars who have gender-friendly thoughts.

References

- Al-Bugha, Musthafa Dib. *Ringkasan Fiqih Mazhab Syafii*. Jakarta: PT Mizan Publika, 2017.
- Al-Manar, Abduh, Arif Fahrudin, Roqiyul Ma'arif Syam, Fuzan Amin, Indriya Rusmana, en Amimah Azmi. *Fiqih Wabab Panduan Syariah, Fatwa Ulama, Regulasi Hukum, dan Mitigasi Spiritual*. Depok: Albayzin, 2020.
- Amin, Faizal. *Ilmu Kalam: Sejarah Pemikiran Islam dan Aktualisasinya*. Pontianak: STAIN Press, 2012.
- Amrona, Yassir Lana, Umi Septina Anggraheni, Abid Nurhuda, Muhammad Al Fajri, en Thariq Aziz. "Human Nature In The Perspective Of Islamic Philosophy". *Lisan Al-Hal: Jurnal Pengembangan Pemikiran Dan Kebudayaan* 17, no 2 (2023): 204–16. <https://doi.org/https://doi.org/10.35316/lisanalhal.v17i2.204-216>.
- Arfan, Abbas. *Fiqih Ibadah Praktis*. Malang: UIN Maliki Press, 2011.
- As-Sayis, Muhammad Ali. *Pertumbuhan dan Perkembangan Hukum Fiqih; Hasil Refleksi Ijtihad. Terjemahan M.Ali Hasan*. Jakarta: Raja Grafindo, 2005.
- Astuti, Nita Yuli, en Budi Sujati. "Hadits Tentang Pendidikan Akhlak dan Pendidikan Sosial". *Al-Bayan: Jurnal Ilmu al-Qur'an dan Hadist* 5, no 2 (2022): 142–68. <https://doi.org/https://doi.org/10.35132/albayan.v5i2.225>.
- Az-Zuhaili, Wahbah. *Fiqih Islam Wa Adillatuhu*. Jakarta: Gema Insani, 2010.
- Azami, Yasin Syafii, Abid Nurhuda, Thariq Aziz, en Muhammad Al Fajri. "Islamic Education Environment In The Perspective Of Hadith And Its Implications For Student Development". *Forum Paedagogik* 14, no 2 (2023): 150–70. <https://doi.org/https://doi.org/10.24952/paedagogik.v14i2.8543>.
- Azami, Yasin Syafii, Abid Nurhuda, en Murjazin Murjazin. "Terminologically of Tasawuf : An Introduction". *Advances in Humanities and Contemporary Studies* 4, no 2 (2023): 160–66. <https://penerbit.uthm.edu.my/periodicals/index.php/ahcs/article/view/13666>.
- Harun, Haroen dalam. *Fiqih Muamalah*. Surakarta: Muhammadiyah University, 2017.
- Hasan, Muhammad Ali. *Perbandingan Mazhab*. Jakarta: PT Raja Grafindo Persada, 2002.
- Khallaf, Abdul Wahab. *Ilmu Ushul Fiqh, Terj. Hallmudin*. Jakarta: PT Rineka Cipta, 2005.
- Murjazin, Murjazin, Abid Nurhuda, en Thariq Aziz. "Community Social Education in the Perspective of the Hadith of the Prophet Muhammad SAW". *IJECA (International Journal of Education and Curriculum Application)* 6, no 2 (2023): 161–

70. <https://doi.org/https://doi.org/10.31764/ijeca.v6i2.16418>.

- Murjazin, Murjazin, Abid Nurhuda, Linna Susanti, en Yasin Syafii Azami. "Psychological and Physiological Motives in Humans (Study on Verses of The Qur'an)". *Suhuf* 35, no 1 (2023): 30–44. <https://doi.org/10.23917/suhuf.v35i1.22581>.
- Ningrum, Ita Sofia. "Dasar-Dasar Para Ulama Dalam Berijtihad dan (Fundamentals of Scholars in Conducting ijtihad and Istinbāḥ Methods of Law)". *Mizan: Jurnal Ilmu Syariah* 5, no 1 (2017): 93–108.
- Nur'Aini, Khoirun Nisa, Abid Nurhuda, en Ali Anhar Syi'bul Huda. "Pluralism In The Perspective Of Kh Abdurrahman Wahid: An Introduction To Multicultural Education". *Bidayah: Studi Ilmu-Ilmu Keislaman* 14, no 2 (2023): 230–38. <https://doi.org/https://doi.org/10.47498/bidayah.v14i2.2203>.
- Nurafifah, Isti, Muslihudin, en Abid Nurhuda. "Analisis Penetapan Pengadilan Agama Surabaya No. 0378/Pdt.P/2020/Pa.Sby Ditinjau Dari Kewarisan Islam Dan Hak Asasi ManusiA". *JIS : Journal Islamic Studies* 1, no 0378 (2023): 342–63.
- Nurhuda, Abid, en Nur Aini. "Bergandengan di Tengah Keberagaman (Moderasi Beragama di Indonesia)". *Jurnal Sudut Pandang* 2, no 9 (2021): 24–27. <https://doi.org/https://doi.org/10.55314/jsp.v2i9.196>.
- Nurhuda, Abid, Dewi Sinta, Inamul Hasan Ansori, en Nur Aini Setyaningtyas. "Flashback Of The Mosque In History: From The Prophet's Period To The Abasiyyah Dynasty". *Lisan Al-Hal: Jurnal Pengembangan Pemikiran Dan Kebudayaan* 17, no 2 (2023): 241–50. <https://doi.org/https://doi.org/10.35316/lisanalhal.v17i2.241-250>.
- Pamungkas, Muhammad Imam. *Fiqih 4 Mazhab*. Jakarta Timur: Al-Makmur, 2015.
- Qomarullah, Muhammad. "Mengenal Kutub Tis'ah Dan Biografi Pengarangnya (Imam Malik, Imam Ahmad Ibn Hambal Dan Al-Damiri)". *Paper Knowledge . Toward a Media History of Documents* 7, no 2 (2017): 15–27.
- Rasjid, Sulaiman. *Fiqih Islam : Hukum Fiqih Islam*. Bandung: Sinar Baru Algesindo, 2014.
- Ridwan, Ridwan. *Fiqih Politik: Gagasan, Harapan, dan Kenyataan*. Yogyakarta: UII Press, 2007.
- Sunarto, Achmad, en Muhammad Nawawi Al-Jawi. *Fiqih Islam dan Tasawuf*. Surabaya: Mutiara Ilmu, 2013.
- Susanti, Linna, Muhamad Fiqhussunnah Al Khoiron, Abid Nurhuda, en Muhammad Al Fajri. "The Reality of Tarbiyah, Ta'lim, and Ta'dib in Islamic Education". *SUHUF* 35, no 2 (2023): 11–19.

<https://doi.org/10.23917/suhuf.v35i2.22964>.

Suwaidan, Tariq. *Biografi Imam Ahmad ibn Hanbal*. Jakarta: Penerbit Kemang, 2007.

Syarifuddin, Amir. *Garis- Garis Besar Fiqih*. Jakarta: Kencana, 2013.

Ulumuddin, Imam Khoirul. "Fiqh Kelautan; Tinjauan Teoritis dan Praktis Pelaksanaan Ibadah Shalat di atas Kapal Laut". *JURNAL IQTISAD: Reconstruction of Justice and Welfare for Indonesia* 7, no 2 (2020): 237–38.

Widodo, Puguh Fitri Setyo, en Abid Nurhuda. "Practice of kafa'ah in marriage and its urgency in society viewed from Islam perspektive (Case Study in the Pitu Hamlet Community, Pitu Village, Pitu District, Ngawi Regency)". *Journal of Law Science* 5, no 2 (2023): 93–98.
<http://iocscience.org/ejournal/index.php/JLS/article/view/3832>.