



The Hadith Hermeneutics of Hasbi Ash-Shiddieqy and Its Implications for Islamic Law

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Abstract: Contemporary Islamic jurisprudence faces the enduring challenge of reconciling the authority of the Prophetic tradition (Sunnah) with the evolving realities of the modern world. This article examines this problem through an analysis of the systematic hadith hermeneutics developed by the twentieth-century Indonesian scholar Tengku Muhammad Hasbi Ash-Shiddieqy. Using a qualitative hermeneutical approach, the study analyzes his principal works, *Pokok-Pokok Ilmu Dirayah Hadis* and *Falsafah Hukum Islam*, to reconstruct his framework for distinguishing between legislative (*tashri'*) and non-legislative (*ghayr tashri'*) hadith. The findings show that this distinction rests on the foundational premise of the Prophet's dual capacities as a divine messenger (*rasūl*) and a human being (*basyar*). This conceptual division delineates a universally binding domain of law, primarily in matters of worship, from a non-binding sphere of worldly affairs in which human reason, empirical knowledge, and contextual understanding play a central role. The paradigmatic examples of the command to pray and the incident of date-palm pollination illustrate the practical application of this binary framework. The study concludes that Ash-Shiddieqy's hermeneutical model constitutes a coherent and systematic methodology that integrates contextual reasoning within Islamic jurisprudence and serves as a principled framework for achieving the higher objectives of Islamic law (*maqāṣid al-sharī'ah*).

Keywords: *Hadith Hermeneutics, Islamic Jurisprudence, Hasbi Ash-Shiddieqy, Tashri' and Ghayr Tashri', Contextual Interpretation*

INTRODUCTION

In contemporary Islamic legal thought, scholars continue to grapple with a central methodological challenge: how to reconcile the authority of the Prophetic tradition (Sunnah) with the changing social and intellectual conditions of modern life. This issue becomes

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particularly evident in the interpretation of ḥadīth, where approaches range widely. Literalist and textualist tendencies often treat most authenticated reports as universally binding, with little attention to historical context. At the same time, reformist and context-oriented perspectives emphasize situational factors yet frequently lack clear, consistent criteria for distinguishing between the Prophet's normative legal directives and his context-specific practices. This methodological tension produces a field of interpretation in which the boundaries between universal and contingent guidance remain contested, shaping ongoing debates about how Islamic jurisprudence can maintain scriptural fidelity while addressing contemporary developments (Turmudi, 2014).

The scholarly conversation on this issue is well-established, rooted in the classical discipline of legal theory (*uṣūl al-fiqh*), which delineates the Prophet's authority as stemming from two primary sources: divine revelation (*waḥy*) and his own personal reasoning (*ijtihād*). The consensus holds that pronouncements based on *waḥy* are binding, while the legal status of those based on *ijtihād* has been a subject of extensive debate. Contemporary scholarship has revitalized this discussion. Thinkers associated with the "neo-ijtihadist" movement, for instance, champion a re-evaluation of the sources to address modern realities, emphasizing the need for a dynamic jurisprudence that balances scriptural fidelity with contemporary exigencies (Takim, 2020). Scholars like Muhammad Syahrur have further argued for a rigorous contextual reading of the ḥadīth, contending that understanding the historical circumstances is indispensable for its proper application in law (Sa'adah & Masruhan, 2025). This broad approach forms the dominant reformist paradigm: a call for context and reason in interpretation.

However, the limitations of this dominant reformist paradigm become clearer when its methodological claims are examined. Although figures such as Syahrur and the broader neo-ijtihadist movement call for contextual interpretation, their proposals typically remain at the level of general principles, emphasizing historical sensitivity, semantic analysis, or thematic readings without specifying concrete criteria for determining when a ḥadīth functions as universally normative or context-bound. For example, Syahrur's *ḥudūd*-based hermeneutic outlines a semantic philosophy of revelation but offers no procedural mechanism for distinguishing the Prophet's legislative role from his situational, non-legislative actions (Sa'adah & Masruhan, 2025; Syahrur, 1990). This absence of operational guidelines is characteristic of much contemporary reformist literature, which advocates methodological openness yet stops short of articulating actionable steps for classification.

Against this backdrop, traditionalist or literalist approaches assert the comprehensive authority of the Sunnah but similarly do not provide a coherent method for addressing traditions clearly shaped by the socio-historical conditions of seventh-century Arabia. The result is a genuine scholarly impasse: the problem is not whether such distinctions between prophetic capacities should be made, but how they can be made systematically and authoritatively. What emerges from the literature, therefore, is not merely an asserted critique but an identifiable methodological void, namely the lack of precise, operational criteria for classifying a ḥadīth as universally legislative or contextually contingent. It is this unresolved void that enables divergent, and often politicized, interpretations to proliferate, leaving the central hermeneutical problem unsolved.

This study identifies a critical gap that emerges from the unresolved methodological tension described above: the limited engagement with Tengku Muhammad Hasbi Ash-Shiddieqy's systematic approach to distinguishing between legislative and non-legislative Prophetic practices. Although Ash-Shiddieqy is widely recognized as a leading twentieth-

century figure of Indonesian Islamic modernism—alongside other reformist thinkers in Southeast Asia—major surveys of Islamic modernism and legal reform seldom analyze his hermeneutical method in detail (Rahman, 1982). These foundational studies extensively map the development of modernist jurisprudence but generally focus on Middle Eastern figures such as ‘Abduh, Riḍā, and later reformists, leaving Southeast Asian contributions—particularly Ash-Shiddieqy’s structured distinction between *ḥadīth tashrī‘* and *ghayr tashrī‘*—largely absent from the broader narrative. Existing Indonesian scholarship acknowledges his role in promoting contextual *ijtihād*, yet tends to treat his method only in general terms without analyzing the internal mechanics of his classification system. This omission constitutes more than a regional oversight; it represents a significant gap in contemporary Islamic legal hermeneutics. By failing to incorporate Ash-Shiddieqy’s detailed criteria for identifying normative versus context-bound Prophetic acts, the field continues to rely on either rigid traditionalist universalism or loosely formulated reformist contextualism, thereby missing a valuable methodological alternative that is both principled and adaptable.

This article argues that Hasbi Ash-Shiddieqy’s distinction between *ḥadīth tashrī‘* and *ḥadīth ghayr tashrī‘* constitutes a systematic hermeneutical method with precise and internally consistent criteria for differentiating between the Prophet’s normative legal directives and his context-specific actions. The study demonstrates this claim by analyzing the formal criteria Ash-Shiddieqy employs to classify Prophetic reports, his use of paradigmatic textual examples to illustrate these categories, and the jurisprudential reasoning that structures his interpretive framework. Rather than treating Ash-Shiddieqy’s approach as a regional or biographical feature of Indonesian Islamic modernism, this article positions his method as a coherent theoretical model that contributes to the broader field of contemporary Islamic legal hermeneutics. By explicating the internal architecture of his system, the paper shows how Ash-Shiddieqy operationalizes contextual reasoning within a disciplined framework, thereby offering modern scholarship a clearly articulated methodology for interpreting the Sunnah that maintains both textual rigor and sensitivity to historical contingency.

METHOD

This study employs a qualitative, library-based research design grounded in hermeneutical analysis to reconstruct the conceptual framework developed by Tengku Muhammad Hasbi Ash-Shiddieqy. Because the goal is to explicate the internal structure of a methodological system rather than to trace its historical reception, a hermeneutical approach is most appropriate, as it allows for close engagement with the arguments, categories, and reasoning embedded in Ash-Shiddieqy’s writings. The primary sources for this analysis are his *Pokok-Pokok Ilmu Dirayah Hadis* and *Falsafah Hukum Islam*, which contain his most explicit discussions of the distinction between *ḥadīth tashrī‘* and *ḥadīth ghayr tashrī‘* (Shiddieqy, 1958).

The analytical process consists of identifying the definitions, classificatory principles, and justificatory reasoning that Ash-Shiddieqy presents in these works, followed by a conceptual mapping of how these elements relate to one another within the logic of his system. While the analysis is anchored in these primary texts, relevant secondary studies are used in a complementary capacity to clarify terminology, contextualize scholarly debates, and triangulate interpretations where Ash-Shiddieqy’s formulations are terse or distributed across multiple writings. This integrated approach ensures methodological transparency: primary sources provide the evidentiary basis for reconstructing the framework, while secondary

scholarship supports the accuracy and interpretive rigor of the analysis without substituting for primary textual evidence.

FINDING AND DISCUSSION

The Prophet's Dual Capacities

The entire edifice of Hasbi Ash-Shiddieqy's legal hermeneutics rests upon a single, foundational distinction. Before any *ḥadīth* can be assessed for its legal applicability, one must first determine the capacity in which the Prophet was acting when he spoke or acted. According to his framework, the Prophet Muhammad operated with a functional duality that is critical for jurisprudential analysis (Hasbi Ash-Shiddieqy, 2013b). This premise directly confronts the challenge of applying a seventh-century textual tradition to modern legal and social realities. By systematically separating the Prophet's role as a divine messenger from his identity as a human being, Ash-Shiddieqy establishes a principled methodology to navigate the complex relationship between divine revelation and historical context. This conceptual division is not merely a taxonomical exercise but the central theoretical move that enables his entire project of contextual jurisprudence, forming the necessary groundwork for his distinction between binding law and non-binding guidance (Hasbi Ash-Shiddieqy, 1967).

At the core of Ash-Shiddieqy's system are his precise and mutually exclusive definitions of legislative and non-legislative traditions. He defines *ḥadīth tashri'* as any tradition "spoken by the prophet in his position as a messenger (*rasūl*)." Conversely, a *ḥadīth ghayr tasyri'* refers to a tradition conveyed by the Prophet not in his capacity as a messenger (*rasūl*), but based on his *ijtihād* (personal reasoning) concerning matters of a worldly nature. This conceptualization shifts the analytical focus from authenticity to function. The defining criterion for legal authority thus becomes not simply, "Did the Prophet say this?" but rather, "In what capacity did the Prophet say this?" For Ash-Shiddieqy, this distinction is not an external analytical construct but one grounded in the Prophetic tradition itself (Hasbi Ash-Shiddieqy, 1967). Its clearest expression is found in the well-known *ḥadīth* on the pollination of date palms, in which the Prophet—after offering agricultural advice that later proved ineffective—clarified the limits of his authority, saying:

عَنْ عَائِشَةَ، وَعَنْ ثَابِتٍ، عَنْ أَنَسٍ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَرَّ بِقَوْمٍ يُلْقِحُونَ، فَقَالَ: «لَوْ لَمْ تَفْعَلُوا لَصَلَحَ» قَالَ: فَخَرَجَ شَيْصًا، فَمَرَّ بِهِمْ فَقَالَ: «مَا لِنَخْلِكُمْ؟» قَالُوا: قُلْتَ كَذَا وَكَذَا، قَالَ: «أَنْتُمْ أَعْلَمُ بِأَمْرِ دُنْيَاكُمْ»

From 'Ā'ishah, from Thābit, from Anas, it is reported that the Prophet *ṣallallāhu 'alayhi wa sallam* once passed by a group of people and said, "If you were not to do this, perhaps the fruit would still turn out good." Later, the Messenger of Allah *ṣallallāhu 'alayhi wa sallam* passed by them again and asked, "What has happened to your date palms?" They replied, "You said such and such, O Messenger of Allah," and the Prophet *ṣallallāhu 'alayhi wa sallam* said, "You are more knowledgeable about your worldly affairs." (al-Bukhārī, 1981; al-Ḥusayn, 2010)

A micro-level interpretation of this framework reveals a profound reorientation of Islamic legal hermeneutics. By positing the Prophet's dual capacities of *rasūl* and *basyar* (human being) as the primary interpretive lens, Ash-Shiddieqy effectively institutionalizes context and purpose within the heart of jurisprudence. The category of *bashariyyah* accounts for the Prophet's engagement with the world as a man of his time—subject to cultural norms, possessing specialized knowledge in certain areas, and employing his own reason in others.

These actions and sayings, while exemplary in their moral character, do not carry the force of universal law. In contrast, his capacity as a *rasūl* is reserved for the transmission of divine will—matters of creed, worship, and universal ethical principles that transcend time and place. This bifurcation provides a theological and legal basis for intellectual dynamism. It sanctions the use of human reason and expertise in worldly affairs (*dunyā*) while safeguarding the immutable core of religious law (*dīn*). The framework compels the jurist to move beyond a passive reception of the text and to engage in an active process of discernment to identify the *illat* (effective cause) and *maqṣad* (objective) behind each prophetic statement.

Positioning this framework within a broader scholarly dialogue illuminates its innovative nature. Classical scholars of *uṣūl al-fiqh* had already developed sophisticated typologies for prophetic actions (*af'āl al-nabī*), categorizing them into legislative, non-legislative, customary, and other types (Kumar, 2025). Ash-Shiddieqy's contribution lies not in inventing this distinction but in systematizing it into a clear, binary principle that serves as the primary gateway for modern legal analysis. He distills the granular complexity of the classical tradition into a potent and accessible hermeneutical tool fit for the challenges of his time. His thought resonates deeply with the spirit of Islamic modernism, which has consistently sought to distinguish the eternal message of Islam from its historical manifestations. Furthermore, his emphasis on the Prophet's humanity (*bashariyyah*) as a crucial element in legal interpretation aligns with the theological positions articulated by other Indonesian reformist thinkers who argued for a rational and context-sensitive approach to scripture (Adnir & Syukri, 2020; Bayyinah, 2020). His framework is thus both an heir to a rich classical tradition and a distinctly modern Indonesian response to the need for a jurisprudence that is both principled and adaptable.

The conceptual foundation of the Prophet's dual capacities serves as the linchpin for Ash-Shiddieqy's entire project. By establishing that the legal force of a *ḥadīth* is contingent upon the prophetic function it embodies—divine transmission versus human reasoning—he creates the necessary intellectual space for legal renewal. This initial move allows him to argue that traditions stemming from the Prophet's *bashariyyah* are not binding legislation, thereby opening vast domains of social life to re-evaluation and *ijtihād* based on contemporary knowledge and public interest (*maṣlahah*).

The Nature of *Ḥadīth Tashri'*

Having established the Prophet's dual capacities as the foundational premise of his hermeneutics, Hasbi Ash-Shiddieqy's framework proceeds to delineate the scope and nature of the first category: legislative traditions. This category, *ḥadīth tashri'*, forms the immutable core of the *Sunnah* and is defined by its direct connection to the Prophet's role as a messenger (*rasūl*). Within Islamic jurisprudence, there exists a broad consensus that the Prophet's commands related to core acts of worship (*'ibādah*) are legally binding, as these rituals are understood to be divinely ordained and not subject to human rationalization (Abdurrahman & Anshori, 2023). It is precisely in this domain—of worship, creed, and universal morality—that Ash-Shiddieqy locates the function of *ḥadīth tashri'*. The analysis of this category reveals that its authority derives not only from the imperative mood of a command but also from the nature of the subject matter and textual indicators signaling a clear intent of universal application. The quintessential example that anchors his entire conception of this category is the Prophet's command regarding ritual prayer, which serves both as a specific rule and a general legislative principle.

Ash-Shiddieqy defines *ḥadīth tashri'* as those prophetic traditions that concern "matters of the unseen, the marvels of God's power, matters of worship or *syari'at*, policies and benefits not limited by time, and the virtues of deeds." This sphere of knowledge is, by its nature, inaccessible to unaided human reason and therefore requires divine revelation transmitted through the Prophet in his legislative capacity. The paradigmatic case for this is the universally accepted *ḥadīth* transmitted by Mālik ibn al-Ḥuwayrith, in which the Prophet commands, "Pray as you have seen me praying" (*ṣallū kamā ra'aytūmūnī uṣallī*). For Ash-Shiddieqy, this statement is the archetypal legislative pronouncement. It is not merely advice or an expression of personal habit; it is a direct, unqualified command that establishes the prophetic practice as the sole and binding legal template for the central pillar of Islamic worship (Hasbi Ash-Shiddieqy, 1967, 2013a). The form, structure, and content of the prayer are thus fixed by this legislative precedent, making any deviation a departure from the established law.

A micro-level interpretation of this example reveals the sophisticated logic underpinning the *tashri'* category. The command "Pray as you have seen me praying" does more than prescribe a set of actions; it establishes a hermeneutical principle. The authority is vested not in a written code but in an observed, living practice, making the Prophet's physical actions the substance of the law. The imperative form (*ṣallū*) combined with the generalizing particle (*kamā*, "just as") removes any ambiguity about its intended scope. Ash-Shiddieqy builds upon this by providing a set of methodological tools—textual indicators (*qarā'in*)—to help the jurist identify other such legislative traditions. A *ḥadīth* is intended as universal legislation, he argues, when it contains explicit generalizing language, addresses a recurring situation, lacks any textual markers of temporal or contextual limitation, and corresponds with other corroborating evidence (Fibrianto et al., 2023; Hasbi Ash-Shiddieqy, 2013a). This provides a systematic, text-grounded procedure for legal analysis. It shifts the interpretive act from a simple acceptance of all commands to a rigorous examination of a text's internal features to determine whether it was intended as eternal law (*sharī'ah*) or as a context-specific juridical opinion (*fiqh*).

This framework, while distinctly modern in its systematic presentation, is deeply embedded within a classical scholarly dialogue. The historic interpretation of the prayer *ḥadīth* confirms its status as a foundational legislative text. Classical authorities like Mulla 'Ali al-Qari noted that this command establishes the Prophet's observed practice as the definitive template for the prayer's conditions (*shurūṭ*), integrals (*arkān*), and method of performance, forming a legal baseline from which any deviation must be explicitly proven by other evidence (Haq, 2021). Ash-Shiddieqy's contribution, therefore, is not the invention of this principle but its strategic deployment as the cornerstone of the *tashri'* category within a modern, binary framework. By isolating the principles governing the domain of *'ibādah*, he clarifies the scope of binding law and implicitly defines what falls outside of it. His work resonates with a long tradition of distinguishing the universal from the particular. However, his explicit formulation of textual indicators provides a transparent, accessible methodology for contemporary jurists navigating the vast corpus of *ḥadīth*.

In synthesizing the nature of *ḥadīth tashri'*, it becomes clear that this category serves a dual purpose in Ash-Shiddieqy's hermeneutical system. First, it safeguards the core of Islamic ritual and belief from subjective interpretation or unwarranted innovation by grounding it in the unalterable prophetic model. The command to pray exactly as the Prophet did is the ultimate expression of this principle. Second, by clearly defining the characteristics of binding legislation—its connection to revelation and its textual markers of universality—the framework implicitly delineates the boundaries of its counterpart, the non-legislative

tradition. The careful and rigorous construction of the *tashri'* category is therefore not an end in itself; it is the necessary first step in demonstrating that not all prophetic statements carry the same legal weight. This analytical precision allows Ash-Shiddieqy to advance his overarching thesis: a contextual and principled engagement with the *Sunnah* requires a transparent methodology for distinguishing divine law from prophetic guidance in worldly affairs.

The Scope of *Hadīth Ghayr Tashri'*

In direct counterpoint to the immutable and universal nature of legislative traditions, Hasbi Ash-Shiddieqy constructs the category of *ḥadīth ghayr tashri'*. This category is not a residual collection of miscellaneous reports but a coherently defined domain in which the Prophet acted and spoke in his capacity as a human being (*basyar*), rather than as a divine messenger. This conceptual space is anchored by a pivotal and widely cited event from the Prophet's life: his counsel regarding the artificial pollination of date palms, a practice well-established in Arabia since antiquity (Salomón-Torres et al., 2021). Ash-Shiddieqy uses this incident as his paradigmatic case to demonstrate that prophetic guidance on worldly matters—such as technical expertise, science, or cultural customs—is not legally binding. The category of *ḥadīth ghayr tashri'* is the most critical component of Ash-Shiddieqy's modernist project, as it provides a robust, textually-derived justification for embracing human reason, empirical knowledge, and contextual adaptation in all non-ritual aspects of life.

The foundation of this category rests on the narrative in which the Prophet observed farmers pollinating their date palms and suggested they stop, opining that it was unnecessary. When the farmers followed his advice, and it resulted in a failed harvest, the Prophet clarified the nature of his statement. According to the accounts, he explicitly stated, "I am only a human being. If I command you to do something concerning your religion, then accept it. But if I command you to do something from my own opinion, then I am only a human being," concluding with the decisive legal principle: "You are more knowledgeable about your worldly affairs" (*antum a'lamu bi amri dunyākum*). For Ash-Shiddieqy, this is the archetypal *ghayr tashri'* event. It represents a case in which a statement, though originating with the Prophet, is explicitly defined by him as non-legislative. He extends this principle to other domains he classifies as worldly, including prophetic medicine (*tibb al-nabawī*) and the Prophet's personal customs (*'adat*), such as his style of dress or preferred foods, which are deemed exemplary in their moral simplicity but not legally prescriptive (Hasbi Ash-Shiddieqy, 2013a).

A close analysis of Ash-Shiddieqy's use of this evidence reveals a sophisticated hermeneutical strategy. The date palm incident is interpreted not as a moment of prophetic error, but as a deliberate and foundational act of legislative self-limitation. The Prophet's retraction is a teaching moment that clarifies the very boundaries of his legislative authority. The phrase *antum a'lamu bi amri dunyākum* thus becomes more than just a context-specific remark; it is elevated to a universal legal maxim, a "hermeneutical key" that unlocks a vast sphere of human activity for independent reasoning and empirical inquiry. It serves as a prophetic sanction for deferring to expert knowledge—the farmer in agriculture, the physician in medicine, the engineer in technology. By establishing this principle, Ash-Shiddieqy argues that the *Sunnah* itself carves out a legitimate space for human progress and experience, effectively desacralizing worldly techniques and placing them firmly within the domain of human intellect and trial-and-error. This prevents the misapplication of religious texts to

technical fields and guards against a literalism that would stifle scientific and social development.

This interpretation places Ash-Shiddieqy in a continuous and evolving scholarly dialogue. His argument is firmly rooted in the classical tradition of Islamic legal theory (*uṣūl al-fiqh*). Foremost classical jurists and hadith commentators, from al-Nawawi to Ibn Rushd, consistently cited the pollination narrative to differentiate between the Prophet's infallibility in matters of revelation and his human judgment in worldly expertise (Salomón-Torres et al., 2021). These scholars used the incident to establish that prophetic statements on technical or customary matters do not constitute binding law (Popenoe, 1922). Ash-Shiddieqy's innovation is not the discovery of this principle, but its systematization as one-half of a clear, binary framework and its deployment as a central tool for modern legal reform. His position aligns seamlessly with contemporary Muslim thinkers like Yusuf al-Qaradawi, who argue that such prophetic pronouncements were shaped by the prevailing knowledge of the time and are not obligatory (Daneshgar, 2023; Mochamad Varendy, 2024). In modern Islamic hermeneutics, the statement "You are more knowledgeable about your worldly affairs" has become a cornerstone for arguing the compatibility of Islam with scientific advancement and the legitimate role of human reason in the worldly sphere (Arfan et al., 2024).

The category of *ḥadīth ghayr tashri'* is the engine of contextualization in Hasbi Ash-Shiddieqy's legal thought. By grounding the non-binding nature of worldly guidance in the Prophet's own words—specifically, the legal maxim derived from the date palm incident—he provides a powerful, textually authentic argument against religious overreach into technical and social domains. This framework legitimizes a dynamic engagement with modernity, enabling the adoption of contemporary knowledge in medicine, agriculture, and technology without conflict with religious texts. It is this carefully demarcated space for human reason and experience that fulfills the central thesis of his project: to offer a methodology that avoids the twin perils of rigid literalism and unprincipled subjectivity. The precise delineation of the *ghayr tashri'* sphere is what makes his system a viable jurisprudence, capable of upholding the authority of revelation in matters of religion while championing the authority of human expertise in matters of the world.

Hermeneutical Implications for Islamic Jurisprudence

The ultimate value of a legal hermeneutic lies not in its theoretical elegance but in its practical capacity to guide jurisprudence toward justice and relevance. The distinction between legislative and non-legislative *ḥadīth* is central to aligning Islamic law with its higher objectives, or *maqāṣid al-sharī'ah*, a principle that contemporary Islamic legal thought has increasingly centered (Hefni et al., 2025). Hasbi Ash-Shiddieqy's framework, by moving beyond mere classification to prescribe a specific analytical process, demonstrates its true power in its jurisprudential implications. His system is designed to produce legal outcomes that are both textually grounded and contextually sensitive. By institutionalizing the investigation of purpose and context as a prerequisite for legal determination, Hasbi develops a hermeneutic capable of translating the *maqāṣid* from an abstract ideal into an operational method. This ensures that the application of the Sunnah remains beneficial and just across different times and places.

The primary mechanism through which this framework functions is Hasbi's non-negotiable insistence on contextual analysis. He posits that before any *ḥadīth* can be applied as law, the jurist must investigate the circumstances of its articulation. Specifically, one must

“pay attention to the *qarinah* (contextual indicator) which is the cause of the determination of the law, such as paying attention to the motive (*'illat*) [and] the socio-historical context of why the Messenger of God said so.” This requirement forms the critical link between his binary classification and its practical application. It transforms interpretation from a static process of authentication into a purposive inquiry oriented toward legal objectives (Hasbi Ash-Shiddieqy, 2013a). He further states that if a specific ruling was directed at “a group of people in certain conditions, then the *ḥadīth* cannot be applied to other communities that have different situations and conditions.” This principle provides a methodological safeguard against anachronistic or culturally inappropriate applications of the law.

A micro-level analysis of this requirement reveals its transformative potential. By mandating an inquiry into the *'illat* and socio-historical context, Hasbi forces the jurist to engage directly with the *maqāṣid*. The interpretive question shifts from the formal “Is this command authentic?” to the teleological “What objective was this command intended to achieve?” Under this framework, legislative *ḥadīth* (*tashri'*) are those whose underlying rationale is universal and directly serves a core objective of the *sharī'ah*—such as justice or the protection of life—while non-legislative *ḥadīth* (*ghayr tashri'*) are those whose rationale is tied to a specific, contingent context (Farag & Rashed, 2023). Understanding the *asbāb al-wurūd* is therefore not merely a historical supplement but the central tool for determining a text’s legal scope and aligning its interpretation with the overarching goals of the law (Nasir, 2023; Nour, 2022). This process inherently promotes legal interpretations that are benefit-oriented and responsive to changing societal needs (Asdar, 2023; Yusuf et al., 2022). Hasbi states directly:

The duty of the Messenger is to guide humankind toward paths of safety and righteousness, to uphold justice among them, and to cultivate noble character... The Prophet has emphasized to us that we are obligated to follow him in everything that he received from [God as revelation], but not in matters related to worldly affairs that were based on his *ijtihād*.” (Hasbi Ash-Shiddieqy, 1967)

Positioning this approach within the broader scholarly landscape demonstrates its resonance with major currents in contemporary Islamic thought. The explicit link between contextual analysis and the realization of *maqāṣid* is a cornerstone of modern Islamic jurisprudence. Scholars argue that a failure to distinguish between universal principles and context-specific applications leads to a rigid literalism that can undermine the very objectives the law was meant to serve (Hashem, 2024). Ash-Shiddieqy’s framework provides a systematic way to avoid this pitfall. His insistence on considering context aligns perfectly with contemporary hermeneutical approaches that see *asbāb al-wurūd* as essential for preventing extremist readings and ensuring the law remains relevant (Ramle & Huda, 2022). Furthermore, the practical outcomes of his system, a jurisprudence that integrates considerations of public interest (*maṣlaḥah mursalah*) and local custom (*'urf*) are celebrated as crucial for the vitality of Islamic law in diverse and minority Muslim communities. (Jamal & Ahmadi, 2023; Kosasih et al., 2024). His framework is thus a powerful example of the kind of contextual, collective *ijtihād* needed to bridge classical sources with modern realities.

The hermeneutical implications of Ash-Shiddieqy’s distinction between *ḥadīth tashri'* and *ghayr tashri'* are profound. By mandating a rigorous analysis of context and cause (*qarinah* and *'illat*) as the determinative factor in legal application, his system creates a jurisprudence that is intrinsically tied to the *maqāṣid al-sharī'ah*. The framework ensures that the universal, binding aspects of the *Sunnah*—those related to worship and core morality—are preserved. At the same time, the vast domain of social and worldly affairs is opened to rational inquiry,

adaptation, and a focus on achieving public welfare. This approach provides a robust, textually grounded methodology to address the central challenge facing modern Islamic law: maintaining fidelity to the divine sources while remaining a force for justice and human flourishing in a changing world. This structured, purpose-driven flexibility is Ash-Shiddieqy's most significant contribution, advancing the overarching argument that systematic, contextual engagement with the Prophetic tradition is not only possible but also jurisprudentially necessary.

CONCLUSION

This study has demonstrated that Tengku Muhammad Hasbi Ash-Shiddieqy's distinction between *ḥadīth tashri'* and *ḥadīth ghayr tashri'* is far more than a simple classification; it is a sophisticated and systematic hermeneutical method designed to institutionalize contextual reasoning within Islamic jurisprudence. The analysis has shown that this framework is built upon the foundational premise of the Prophet's dual capacities as a divine messenger (*rasūl*) and a human being (*basyar*). This core distinction enables the demarcation of an immutable legislative sphere, primarily concerning worship, which is governed by the binding precedent of the Prophet's revealed practice (*tashri'*), from a vast, non-legislative domain of worldly affairs (*ghayr tashri'*) where human reason, empirical knowledge, and contextual adaptation are not only permitted but encouraged. By mandating a rigorous investigation into a text's context and purpose, Ash-Shiddieqy's system transforms the higher objectives of Islamic law (*maqāṣid al-sharī'ah*) from an abstract ideal into a practical, interpretive tool.

The primary contribution of this research is theoretical: it excavates and articulates a robust, textually-grounded model of hadith hermeneutics from the Southeast Asian Islamic intellectual tradition. By doing so, it challenges the often-implicit center-periphery narrative in modern Islamic thought. It presents Ash-Shiddieqy's framework as a viable alternative to the persistent dichotomy between rigid textualism and unmoored relativism. The implication of this finding is significant, offering a concrete methodological resource for contemporary Muslim jurists and scholars seeking to develop a jurisprudence that is both faithful to its sources and responsive to the complexities of the modern world. While this study provides a thorough analysis of Ash-Shiddieqy's theoretical works, its primary limitation is its focus on his conceptual framework rather than its application. Future research could therefore profitably examine his legal responsa (*fatāwā*) or specific jurisprudential writings to analyze how this hermeneutical system was deployed to address concrete legal problems. A comparative study analyzing his framework alongside those of other key modernist thinkers in the Muslim world would also represent a valuable next step.

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