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Analysis of Ushul Fikih on Dilalat Al-Mafhum Al-Mukhalafah

Article

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Abstract

Interpretative challenges in Islamic law frequently arise from the absence of explicit rulings in primary texts. One method used to address this gap is Dilālat al-Mafhūm al-Mukhālafah, which derives legal meaning from the opposite implication of a given expression. This study aims to analyze six principal forms of mafḥūm *al-mukhālafah: hasr (restriction), sifat (attribute), syarat (condition), laqab (designation), gāyah (limit), and 'adad (number), and assess their legitimacy according to various Islamic legal schools. The research adopts a qualitative-descriptive approach through literature review of classical and modern ushul fiqh sources. Findings reveal that the acceptance of each form varies across schools of thought and depends on the context, linguistic structure, and strength of textual indication. Despite the differences, mafḥūm al-mukhālafah remains an essential tool in legal reasoning, especially in contemporary ijtihad where emerging issues require adaptable interpretations. This highlights the significance of mastering this concept to enrich Islamic legal discourse and strengthen contextual application of sharia rulings in modern society*

Introduction

The science of usul al-fiqh is a systematic methodology for deriving Islamic law from its primary source, the Qur'an. One of the important topics in usul al-fiqh is the analysis of linguistic structure, including both explicit meanings (mantuq) and implied meanings (mafhum). In this context. Mafhum al-mukhalafah also plays an important role in deriving laws from their opposite meanings that are not explicitly stated in the text.

The urgency of this discussion arises because there are many contemporary cases where the text indirectly provides answers to legal issues that arise. Therefore, a more logical, methodological, and contextually relevant interpretative approach is needed. This study also positions mafhum mukhalafah as one of the important approaches within the framework of modern ijtihad.

Although there have been many discussions on mafhum al-mukhalafah, comprehensive research comparing its various forms and acceptance from the perspectives of different fiqh schools remains limited. Therefore, this study will contribute by systematically discussing the six main forms of mafhum al-mukhalafah and highlighting the conditions and controversies surrounding its use in legal reasoning.

Method

This study uses a qualitative-descriptive approach through a literature review of classical and contemporary works in the field of usul al-fiqh. The structure of this discussion is organised thematically to discuss each form of mafhum al-mukhalafah and its relevance in formulating Islamic law in the modern era.

Result and Discussion

Understanding Mafhum al-Mukhalafah

Etymologically, mafhum itself means something that can be understood, while mukhalafah means the opposite. In the context of Islamic jurisprudence, 'mafhum al-mukhalafah' refers to the understanding of something that is not explicitly mentioned in the text, which differs from what is explicitly stated. This means that when there is a textual expression in Islamic law that mentions a specific attribute or condition, it applies only to that condition and does not apply to the opposite condition.[1]

The term mafhum al-mukhalafah is the opposite of mafhum muwafaqah. In terms of terminology, 'mafhum' means 'understood,' while "mukhalafah" means 'opposite.' If we draw a conclusion based on the terminology used in the definition, mafhum al-mukhalafah refers to the use of terms that indicate laws that are not explicitly stated, as well as how these laws relate to those already stated in the terms. It is called mafhum al-mukhalafah because it has an implied meaning that is found to be contrary to its explicit meaning.[2] However, the two are not always contradictory; sometimes they are in agreement and sometimes they are not. As mentioned in the hadith, 'if the water reaches 216 litres (two qulla), then it does not contain impurities'. The explicit meaning of this hadith is that water amounting to two qulla can be used for purification, because if it comes into contact with impurity while the water remains unchanged, it is still valid for purification. Thus, the implied meaning is that if the water in a qulla does not reach 216 litres, it may contain impurity. This is what is meant by the meaning that aligns with the written meaning of the hadith.

Types of Mafhum al-Mukhlafah

Mafhum al-Hasr (Restriction)

Mafhum al-hasr occurs when a phrase explicitly indicates a legal restriction on something, either by using the word hasr 'innama' (indeed only), or by a structure that indicates exclusivity. For example, 'innama al-sadaqatu lil fuqara...' (Q.S at-Taubah/9:60). This means that the recipients of zakat are limited to only eight categories. In the understanding of mafhum al-mukhalfanya, anyone outside of these eight categories is not entitled to receive zakat.[3]

Mafhum al-hasr is a limitation on the application of a law to certain issues. For example, the word 'no' is paired with the word 'except.' For example: the phrase 'no one stands except

[1] Mohd Syahmi and Bin Mohd, *Mafhum Al-Muwafaqat Dan Mafhum A-Mukhlafat:Kaedah Analisis Tekstual*, 1997. 4
[2] Abu Yasid, *Metodelogi Penafsiran Teks: Memahami Ilmu Ushul Fiqh Sebagai Epistemologi Hukum* (Jakarta: Erlangga, 2012). 99
[3] Ahmad Musdad, *Ilmu Ushul Fiqh Dan Kidah Fiqh* (Malang: Penerbit Litinus, 2023). 210

Ahmad.' The mafhum al-mukhalafah of the law 'standing' only applies to Ahmad. Similarly, the word 'indeed' in the hadith 'indeed, actions depend on intentions' (HR. Imam Al-Bukhari and Muslim). The concept of exclusion implies that an action without intention is not considered valid (invalid).[4]

Mafhum Al-Sifat (Inherent Characteristics)

The concept of al-sifat is to connect a law to a particular attribute. It can also involve mentioning a general name accompanied by a specific attribute, or limiting a term with multiple meanings (musytarak) with another term that is more specific. For example, in (QS. al-Hujurat/49:6), "... if a wicked person brings you news, then verify it carefully..". The verse above can be understood that the explicit meaning is a command to verify every piece of news brought by a wicked person, so there is no need for verification. Another example is in the hadith: "There is an obligation to pay zakat on goats that are released" (HR. Imam An-Nasa'i). The attribute referred to in the hadith text is "released," which means that if they are not released, there is no obligation to pay zakat on goats that are fed by their owners.[5]

Mafhum al-sifaf also means the determination of the law regarding an object because of certain characteristics, which implies that if those characteristics do not exist, then the law does not apply. For example, in the Prophet's hadith: 'Do not drink from gold or silver vessels.' This prohibition applies because the vessels are luxurious and also symbolise arrogance. Thus, mafhum al-mukhalafah shows that if the vessels do not have these characteristics (such as wooden or earthenware vessels), then the prohibition does not apply.[6]

Mafhum al-Syarat (conditioning)

Mafhum al-Syarat is a phrase that indicates a ruling that is linked to a specific condition. This phrase also implies the opposite ruling if the stated condition is not met. For example, in QS. At-Talaq [65]:6:

وَاِنْ كُنَّ اُولٰتِ حَمْلٍ فَاَنْفِقُوْا عَلَيْهِنَّ حَتّٰى يَضَعْنَ حَمْلَهُنَّۚ

Meaning: "If they (the divorced wives) are pregnant, then provide for them until they give birth…,"

The meaning of the above verse, according to its mafhum al-mukhalafah (contrary implication), is that if the divorced wife is not pregnant, then the husband is not obliged to provide for her. This form applies when a ruling is linked to a specific condition; if the condition is not fulfilled, then the ruling does not apply.[7]

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4 Al-Syawkani, *Irsyad Al-Fuhul Ila Tahqiq Ak-Haqq Min Ilm Al-Usul*, Jus II. (Mesir: Mathba'ah al-Madani, 1992). 67-68

5 An-Nasa'i, *Mukhtashar Sunan Al-Nasa'i* An-Nasa'i,(Ikhtishar wa Syarh wa Ta'liq ad-Duktur Musthafa Dib al-Bugha), h. 327

6 Musdad, *Ilmu Ushul Fiqh Dan Kidah Fiqh*. 212

7 Ihsanudin, "Logika Terbalik Sebagai Dilalat Al-Nass Mazhab Mutakallimin Dan Ahnaf," *Jurnal Kajian Islam Interdisipliner* 3, no. 2 (2018): 186.

Mafhum Al-Laqab (Name or Identity)

Mafhum al-Laqab refers to the implication of a ruling that is connected to a specific name or designation. For example, the statement: 'Muhammad is the Messenger of Allah' implies, according to mafhum al-mukhalafah, that anyone other than Prophet Muhammad is not a messenger of Allah. However, in reality, the messengers of Allah are not limited to Prophet Muhammad alone. This type of mafhum is not accepted as valid evidence (hujjah) by most scholars of the Shafi'i school, although some still use it as evidence, such as Abu Bakar al-Daqqaq, Malik, Dawud, and several other Shafi'i scholars.

Many scholars reject the validity of this mafhum because they consider its argumentation weak. Another example is the verse that states, 'For men there is a share of inheritance…' (QS An-Nisa [4]:11). This cannot be used to directly deny the inheritance rights of women without other supporting indicators.[8]

Mafhum Al-Ghayah (Deadline)

Mafhum al-Ghayah is a phrase that indicates that a ruling is connected to a specific time limit or endpoint. This type of mafhum applies when a ruling remains valid up to a certain limit, and when that limit is reached or passed, the ruling changes accordingly. For example, in QS Al-Baqarah [2]:187: 'Eat and drink until the white thread becomes distinct to you from the black thread of dawn…'. This means that after dawn has appeared, eating and drinking are prohibited for those who are going to fast. Its mafhum al-mukhalafah implies that eating and drinking are not allowed for a fasting person once dawn is visible. Another example is found in QS Al-Baqarah [2]:230, which means: '…then she is not lawful for him until she marries another husband…'. Its mafhum al-mukhalafah indicates that if the woman has married another man and then they divorce, she may return to her first husband.[9]

Mafhum Al-Adad (number)

Mafhum al-Adad is a phrase that conveys a meaning through a specific numerical limit or quantity. This phrase also indicates that there is no ruling beyond the stated number. Mafhum al-Adad occurs when a ruling is tied to a certain numerical amount. For example, in QS An-Nur [24]:2: 'The [unmarried] woman or [unmarried] man found guilty of sexual intercourse — lash each one of them a hundred times.' The meaning of this verse, according to its mafhum al-mukhalafah, is that the punishment for a male or female fornicator must not be more or less than one hundred lashes.[10]

Difference of Opinion among Scholars

Some scholars, such as those of the Maliki and Hanafi schools, reject certain forms of mafhum al-mukhalafah, particularly mafhum al-laqab, because they consider it insufficiently strong to be used as valid evidence (hujjah). In contrast, scholars of the Shafi'i and Hanbali schools accept

[8] Mif Rohim, *Ushul Fiqh: Metode Perbandingan Al-Ahnaf dengan Al-Mutakallim*, Unhasy Press, 2020: 85
[9] Ahmad Husein An Nury et al., "Analisis Manthuq Dan Mafhum Dalam Makna Tersurat Dan Tersirat," *Hamalatul Qur'an : Jurnal Ilmu Ilmu Alqur'an* 5, no. 2 (2024): 620.
[10] Ihsanudin, "Logika Terbalik Sebagai Dilalat Al-Nass Mazhab Mutakallimin Dan Ahnaf.": 186

this framework. Scholars also unanimously agree on the permissibility of using mafhum al-muwafaqah as a valid proof. However, regarding mafhum al-mukhalafah, scholars hold differing views on its validity as evidence. The majority (jumhur) of scholars permit the use of mafhum al-mukhalafah under certain conditions:

1. Mafhum al-mukhalafah must not contradict stronger evidence, whether explicit (mantuq) or implicit (muwafaqah). For example, an understanding contrary to explicit evidence is seen in QS Al-Isra [17]:31: 'And do not kill your children for fear of poverty.' From this verse, one might wrongly infer through mafhum al-mukhalafah that it would be permissible to kill them if there is no fear of poverty. This understanding is clearly invalid, as it contradicts explicit evidence in QS Al-Isra [17]:33: 'And do not kill the soul which Allah has forbidden, except by right.'
2. Mafhum al-mukhalafah must not be applied to situations that normally occur. For instance, in QS An-Nisa [4]:23: 'And your stepdaughters who are under your guardianship...' One might understand through mafhum al-mukhalafah that it is permissible to marry a stepdaughter who is not under one's guardianship. However, the phrase 'who are under your guardianship' is mentioned because it is customary for a stepdaughter to be under the care of her stepfather as she follows her mother.
3. Mafhum al-mukhalafah should not be used merely to emphasize something that is already clear, as in the Prophet's hadith: 'A Muslim is the one from whose tongue and hand other Muslims are safe.' One might infer through mafhum al-mukhalafah that it is permissible to harm non-Muslims because the word 'Muslims' is specified. However, it is preferable that we live in harmony and peace, especially among fellow Muslims.

Meanwhile, according to scholars of the Hanafi school, Ibn Hazm, and the Zahiri school, mafhum al-mukhalafah cannot be used as a valid interpretive method for the Islamic texts (nusus syar'iyyah). Their reason is that many scriptural texts, if interpreted using mafhum al-mukhalafah, would distort the intended meaning. For example, if one were to interpret a verse stating that wrongdoing is forbidden only during four sacred months, one might wrongly infer that wrongdoing is permissible outside these months — whereas, in fact, wrongdoing is prohibited at all times.[11]

Conditions for Mafhum al-Mukhalafah

First, mafhum al-mukhalafah must not deviate from the explicit meaning (mantuq). For example, in the Qur'an there is a prohibition against saying 'uff' (a word expressing annoyance) to one's parents. Implicitly, if even saying 'uff' is forbidden, then greater forms of disrespect such as abusing, hitting, or even killing one's parents are certainly forbidden. If interpreted through mafhum al-mukhalafah, it would incorrectly imply that only saying 'uff' is forbidden while greater acts of disobedience are permissible, which clearly contradicts the intended meaning.

Second, the restriction or limitation mentioned in a text (nass) may have other functions besides establishing a ruling by its contrary implication (mafhum al-mukhalafah). Such other functions include providing comfort, instilling fear, encouraging action, discouraging wrongdoing, reminding people of Allah's blessings, and so on. For example, in QS An-Nahl [16]:14, which means:

[11] Ibn Hazm, *Al-Ihkam Fi Usul Al-Ahkam*, Jilid I. (Beirut: Dar al-Afaq al-Jadidah, 1980). 237

'And He has subjected the sea for you to eat from it tender meat (fish)…' — the specification of 'tender meat' serves another purpose, which is to remind people of Allah's blessings, such as the blessing of fresh fish. Therefore, this verse cannot be understood through mafhum al-mukhalafah to mean that if the fish is not fresh, then it is prohibited to eat, because that would be a misinterpretation of the intended meaning.[12]

Third, the restriction or condition mentioned in a nass cannot be equated with customary practices ('urf) or societal habits that are already established in the community. For example, in QS An-Nisa [4]:23: 'And [forbidden to you for marriage are] your mothers-in-law and your stepdaughters who are under your guardianship [born] of your wives…' If one tries to understand this verse using a contrary implication (mafhum al-mukhalafah), it would imply that it is permissible to marry a stepdaughter who is not under one's guardianship. However, this understanding is not valid, because in customary practice, it is common for a stepchild to be under the care of both the mother and the stepfather. Therefore, the specified condition is in line with what is customary in society, and does not imply an opposite ruling.[13]

Fourth, the restriction or condition in the nass must be independent and free from other conditions or contexts that would prevent a contrary implication from being valid. For example, in QS Al-Baqarah [2]:187: '...But do not have relations with them while you are in retreat in the mosques…' This verse prohibits marital intercourse with one's wife during i'tikaf in the mosque. If this were wrongly interpreted through mafhum al-mukhalafah, it would imply that it is permissible to have intercourse with one's wife during i'tikaf outside the mosque. Such an understanding is incorrect and contradicts the intended meaning.

Fifth, mafhum al-mukhalafah must not deviate from reality or contradict specific circumstances that the nass itself clearly considers. For instance, in QS Al-Imran [3]:28: 'Let not the believers take the disbelievers as allies instead of the believers…' The explicit wording forbids Muslims from forming alliances with non-Muslims to the exclusion of fellow believers. However, the real issue addressed by this verse is not general friendship with non-Muslims, but a specific situation in which Muslims were exclusively allying themselves with non-Muslims while abandoning the Muslim community. Therefore, it does not mean that Muslims are absolutely forbidden to befriend non-Muslims in all circumstances; the verse addresses a particular context, not a general principle.[14]

Sixth, mafhum al-mukhalafah must not contradict other nusus (texts). For example, in QS Al-Baqarah [2]:178: 'Prescribed for you is legal retribution (qisas) for those murdered: the free for the free, the slave for the slave, and the female for the female…' This verse explicitly states that if a free person kills a free person, qisas (retaliatory punishment) applies. However, if one were to wrongly apply mafhum al-mukhalafah, it would imply that if a free person kills a slave or a woman, qisas does not apply. This is incorrect, because other texts in the Qur'an have already established that the punishment for a murderer is execution, based on the general principle of 'life for life'.

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12 Al-Syawkani, *Irsyad Al-Fuhul Ila Tahqiq Ak-Haqq Min Ilm Al-Usul*. 59

13 Al-Syawkani, *Irsyad Al-Fuhul Ila Tahqiq Ak-Haqq Min Ilm Al-Usul*. 59

14 Muhammad Hashim Kamali, *Prinsip dan Teori-teori Hukum Islam*, pen. Noorhaidi dari Principles of Islamic Jurisprudence (The Islamic Teks Society), (Yogyakarta: Pustaka Pelajar, 1996) : 171.

Controversy in Mafhum Al-Mukhalafah

The controversy surrounding the concept of mafhum al-mukhalafah lies in the fundamental restriction imposed by Hanafi scholars, who assert that mafhum al-mukhalafah cannot be applied to the revelatory texts of the Qur'an or the hadith. According to them, mafhum al-mukhalafah can only be used as a method of interpretation for texts other than revelatory ones. In this discussion, the focus is on rational proofs and man-made laws. The Hanafi scholars state that the Qur'an itself cannot be relied upon for the use of mafhum al-mukhalafah, as there are many indications in the Qur'an and Sunnah that have multiple meanings, especially if the method of interpretation using mafhum al-mukhalafah is employed. For example, in (QS at-Taubah/9:36), Allah has honoured four months out of the twelve months as sacred months, so warfare must be avoided during these months. If the mafhum al-mukhalafah interpretation method is used as a basis or evidence, it could be concluded that, aside from the four months honoured by Allah, it is permissible to launch an attack. This deviates from the primary meaning of the text, as attacks are always prohibited regardless of the time. Hanfi scholars also conclude that if necessary, the Qur'an itself should directly apply the mafhum al-mukhalafah method. For example, in (QS. al-Bqarah/2:223), the Qur'an states that it is not permissible to have intercourse with one's wife during her menstrual period. The application of mafhum al-mukhalafah in this context is that the Qur'an itself is already very precise, as a wife who is not menstruating (has become pure from her menstrual period) may be had intercourse with. Meanwhile, another text states, 'There is no prohibition if you have intercourse,' as in (QS. al-Bqarah/2:223), meaning that it is permissible to marry the stepdaughter of a wife whom he has married, provided that the husband has never had intercourse with his wife. Although the Hanafi scholars, also known as the Hanafi school of thought, only use the principle of mafhum al-mukhalafah on texts other than revelation. This differs from the approach of the Shafi'i and Maliki scholars (the Mutakallimim school), who continue to use the mafhum al-mukhalafah method on the Quranic text and hadith by considering the limitations and conditions outlined above.

Conlusion

Dilala al-mafhum al-mukhalafah is one of the important methods in suhul fikih that allows for the derivation of legal rulings from the opposite meaning of the wording in the text. This study demonstrates that the six main forms of mafhum al-mukhalafah hasr, sifat, syarat, laqab, gaya, and adad possess significant potential in enriching Islamic legal reasoning, although the degree of their acceptance varies among schools of thought. The Safi'iyah and Hanabilah schools tend to be more receptive to its use, while the Hanfiyah and some of the Malikiyah schools tend to reject it, particularly mafhum al-laqab. These differences are based on the context of the wording, the strength of the indication, and the possibility of conflict with other evidence. By understanding the conditions and limitations of using mafhum al-mukhalafah correctly, this method can be effectively applied in contemporary ijtihad to address legal issues that are not explicitly addressed.

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