

THE IMPACT OF SCHOLAR'S DIFFERENCES IN DETERMINING THE STATUS OF HADITH ON THE LAW OF MARRIAGE GUARDIANS AND DOWRIES

Abdillah Afabih¹; Achmad Roziqi²; Anas Maulana³

¹UIN Syekh Wasil, Kediri, Indonesia, abdillahafa5@gmail.com;

²Ma'had Aly Hasyim Asy'ari, Jombang, Indonesia, roziqi@tebui reng.ac.id;

³UIN Palangkaraya, Palangkaraya, Indonesia, anas.maulana@uin-palangkaraya.ac.id

Abstract

The different methods of scholars in determining the status of traditions have a significant impact on the formulation of Islamic law. This study discusses the disputed hadiths in Bidāyat al-Mujtahid, especially in the book of al-Nikāḥ, and their implications for the law of marriage guardians and the minimum standard of dowry. This research uses the literature review method by tracing and analyzing the hadiths of disputed status. The results show that there are two main hadith that are disputed by scholars. while the standard minimum dowry hadith is also rejected by the majority of scholars due to the weakness of its narrators. These differences have implications for Islamic law, particularly in the regulation of marriage guardians and dowries in various Muslim countries. This study contributes to understanding the role of hadith criticism in the formulation of Islamic law. However, this study is limited to an analysis of Bidāyat al-Mujtahid and has not examined the implementation of the law in various Muslim countries. Further studies are needed to explore the application of hadith criticism methodology in contemporary legal systems.

Keywords: Hadith Status, Marriage Guardian, Dowry, Bidayatul Mujtahid, Islamic Law.

DAMPAK PERBEDAAN ULAMA DALAM MENENTUKAN DERAJAT HADIS TERHADAP HUKUM WALI NIKAH DAN MAHAR

Abdillah Afabih¹; Achmad Roziqi²; Anas Maulana³

¹UIN Syekh Wasil, Kediri, Indonesia, abdillahafa5@gmail.com;

²Ma'had Aly Hasyim Asy'ari, Jombang, Indonesia, roziqi@tebui reng.ac.id;

³UIN Palangkaraya, Palangkaraya, Indonesia, anas.maulana@uin-palangkaraya.ac.id

Abstrak

Perbedaan metode ulama dalam menilai keabsahan hadis berdampak signifikan terhadap formulasi hukum Islam. Penelitian ini mengkaji perbedaan penilaian ulama terhadap dua hadis dalam Bidāyat al-Mujtahid, khususnya dalam kitab al-Nikāh, serta pengaruhnya terhadap hukum wali nikah dan standar minimal mahar. Kajian ini menggunakan metode kajian kepustakaan dengan pendekatan analisis isi (content analysis), menelusuri serta menganalisis hadis-hadis yang diperdebatkan statusnya. Hasil penelitian menunjukkan bahwa terdapat dua hadis utama yang diperselisihkan derajatnya oleh para ulama. Hadis pertama tentang kewajiban wali dalam pernikahan dinilai lemah oleh Mazhab Hanafi, sedangkan hadis standar minimal mahar juga ditolak oleh jumhur ulama karena kelemahan perawinya. Perbedaan ini berdampak pada hukum Islam, khususnya dalam regulasi wali nikah dan mahar di berbagai negara Muslim. Kajian ini berkontribusi dalam memahami peran kritik hadis dalam formulasi hukum Islam. Namun, penelitian ini terbatas pada analisis Bidāyat al-Mujtahid dan belum mengkaji implementasi hukum di berbagai negara Muslim. Studi lanjutan diperlukan untuk mengeksplorasi penerapan metodologi kritik hadis dalam sistem hukum kontemporer.

Kata Kunci: Status Hadis, Wali Nikah, Mahar, Bidayatul Mujtahid, Hukum Islam.

INTRODUCTION

The differences in determining the status of hadith among scholars have long been a crucial factor shaping the variations in Islamic law, particularly in marriage institutions such as guardianship (*wali nikah*) and dowry (*mahr*). These two aspects not only serve as the foundation of marital legality in Islamic jurisprudence but also reflect the dynamics of interpreting religious texts influenced by hadith criticism methodology, socio-cultural contexts, and the diversity of schools of thought. For instance, debates concerning the authenticity of hadiths that mandate a marriage guardian or stipulate a minimum dowry often lead to inconsistencies in legal practices, even within communities that formally adhere to a single madhhab. This is evident in Nelli Fauziyah's (2018) comparative study between Indonesia and Morocco. She notes that in Indonesia, family law codified in the Compilation of Islamic Law (KHI) still requires the presence of a marriage guardian as one of the essential pillars of marriage, consistent with the teachings of the Shafi'i school. Conversely, Morocco, through the 2004 reform of the *Mudawwanah al-Ussrah*, grants women greater autonomy to contract their own marriages without the permission of a guardian, as part of broader reforms aimed at accommodating gender equality and human rights. Although both adopt Islamic law, the divergent application of guardianship in marriage highlights a lack of uniformity even within a shared framework.

In Indonesia, this complexity becomes more pronounced due to the interaction between the pluralism of Islamic thought and the secular national legal system, creating tension between the authority of the text and the need for contextual adaptation.

Previous studies have examined the implications of differences among madhhabs on Islamic family law. Sakhowi's (2022) research on *Qānūn Jināyah* in Aceh, for instance, reveals how the dominance of the Shafi'i school in the codification of Islamic criminal law has generated controversy, particularly concerning gender equality and the rights of non-Muslims.¹ These findings align with Coulson's (2022) analysis, which emphasizes that conflicts in Islamic jurisprudence—such as the tension between the idealism of classical doctrine and social

¹ Sakhowi Sakhowi, "Taqnīn Method of Qānūn Jināyah and Problems of Its Implementation in Aceh, Indonesia," *JIL: Journal of Islamic Law* 3, no. 2 (31 August 2022): 193–211, <https://doi.org/10.24260/jil.v3i2.817>.

realities—have given rise to adaptive legal innovations, though often accompanied by criticism.² Meanwhile, the study of Qamarulzaman, Amran, and Azman (2024) on the perspectives of Al-Bukhari and Al-Shafi'i in the use of *hadith ahad* demonstrates that differences in *hadith* criticism methodology—such as Al-Bukhari's emphasis on the chain of transmission (*sanad*) versus Al-Shafi'i's focus on the text (*matn*)—affect legal legitimacy. Nevertheless, systematic studies linking disparities in *hadith* status assessment with variations in the law of marriage guardianship (*wali nikah*) and minimum dowry standards remain limited, leaving a gap for further research.

This study seeks to fill that gap by critically analyzing how epistemological mechanisms in *hadith* criticism (such as the analysis of *sanad*, *matan*, and historical context) influence the construction of laws on marriage guardianship (*wali nikah*) and dowry (*mahr*). By combining the *dirāyah* (*hadith* criticism) approach with socio-legal analysis, this research not only identifies the roots of scholarly differences but also explores their implications for the normative unity of Islamic law.

An example is the *hadith* concerning the minimum standard of dowry in marriage. The wording of the *hadith* is: لا مهر بأقل من عشرة دراهم (There is no dowry less than ten dirhams). Based on this *hadith*, the Hanafi school argues that the minimum standard of dowry is ten dirhams.³ However, this *hadith* is regarded as weak (*da'if*) by *hadith* scholars and therefore is not employed as a valid basis (*hujjah*) in jurisprudence. They argue that two transmitters in the *hadith*'s chain of narration—Mubassyr bin 'Uba'id and Al-Ḥajjāj bin Arṭa'ah—are narrators considered *shadīd al-ḍa'f* (severely weak).⁴

To validate this, the researcher conducted a systematic examination of two *hadiths* concerning marriage guardianship (*wali nikah*) and the minimum dowry (*mahr*) in the *Kitab al-Nikāḥ*, with a particular focus on Ibn Rushd's *Bidāyat al-Mujtahid*. The selection of this work is based on its reputation as a comparative reference among

² Landy Trisna Abdurrahman, "Conflict in Islamic Jurisprudence: Noel J. Coulson's Historical Approach and His Contribution to the Study of Islamic Law," *JIL: Journal of Islamic Law* 3, no. 1 (9 Februari 2022): 74–93, <https://doi.org/10.24260/jil.v3i1.495>.

³ Alauddin Abi Bakar Mas'ud Al-Kasani, *Bada'i' al-Shanai*, (Beirut: Dar al-Kutub al-Ilmiyyah, 1986) 2, 276.

⁴ *Ibid.*

madhhab, which discusses differences in the interpretation of Islamic law, including the criticism of sanad and matan of hadith.⁵

This research employs a literature review approach as its primary method. The first step involves an in-depth examination of Ibn Rushd's *Bidāyat al-Mujtahid*, which comparatively discusses inter-madhab debates concerning marriage guardianship (*wali nikah*) and dowry (*mahar*). The choice of this work is based not only on its authority in the field of comparative Islamic law but also on its relevance in mapping controversies surrounding the sanad and contextual analysis of hadith—for instance, the differing scholarly assessments of the narration “*lā mahra bi-aqalla min ‘asyrati darāhīm*” (“there is no dowry less than ten dirhams”), which the Hanafi school considers weak.

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⁵ This book has become one of the comparative fiqh works studied in Islamic boarding schools (*pesantren*), particularly within *bahtsul masā'il* (scholarly deliberations on legal issues), and serves as one of the references in the formulation of fatwas by the Indonesian Ulema Council (MUI). Husen Hasan Basri, “PENGAJARAN KITAB-KITAB FIQH DI PESANTREN,” *EDUKASI: Jurnal Penelitian Pendidikan Agama dan Keagamaan* 10, no. 1 (1 April 2012), <https://doi.org/10.32729/edukasi.v10i1.148>; Komisi Fatwa MUI, “Fatwa MUI Nomor 25 Tahun 2012,” 2012, <https://www.mui.or.id/public/storage/fatwa/4bb80d4d4801ecdf4a2d8ae38289177b-lampiran.pdf>.

RESULTS AND DISCUSSION

Review of *Bidāyat al-Mujtahid*

The full title of this work is *Bidāyat al-Mujtahid wa Nihāyat al-Muqtaṣid*. It is a variant of comparative fiqh literature authored by a scholar of the Maliki school, Ibn Rushd. He completed the book in 1168, at the age of forty-two. As stated in its introduction, his primary objective in writing this work was to catalogue various legal issues, both those on which consensus had been reached and those still disputed, along with their supporting evidences.⁶ In addition, the book aims to clarify the main points of divergence in these issues, which can serve as fundamental principles and guidelines for a mujtahid in addressing new legal matters not explicitly mentioned in the Sharia.

Most of the issues discussed are matters explicitly addressed in the Sharia or those closely related to it. These issues include topics that have either been agreed upon by scholars or are well-known for the existence of differing opinions among Islamic jurists, ranging from the era of the Companions to the rise of the dominance of taqlid practices. Accordingly, this work was designed to serve as a guide for understanding the fundamental principles of Islamic law as well as a foundation for ijtihad in addressing matters not explicitly stipulated in the Sharia.

This book is one of the seminal works in the field of Islamic jurisprudence (*fiqh*). It addresses the causes of differences of opinion among scholars, explains the arguments and legal foundations of each view, and cites the opinions of jurists from the Companions to subsequent generations. Ibn Rushd presents the sources underlying each opinion, provides analysis of them, and determines which view he considers stronger and more accurate. With a rigorous research approach, Ibn Rushd systematically unpacks complex juristic disagreements. This work has proven to make a significant contribution to the body of knowledge of its time and has frequently been used as a reference by scholars.

One of the distinctive features of this book is its comprehensive approach. Ibn Rushd begins the discussion of a particular juristic issue with the opinion of Imam Malik, then presents the views of other recognized Islamic legal schools, such as Imam Abu Hanifah, al-Shafi'i,

⁶ Abu al-Walid Muhammad ibn Ahmad ibn Muhammad ibn Ahmad Ibn Ruysd Al-Qurtuby, *Bidayat al-Mujtahid wa Nihayat al-Mujtahid* (Beirut: Dar Ibn Hazm, 1995), 1, 15.

Ahmad ibn Hanbal, Ishaq ibn Rahuyah, Hasan al-Basri, Sufyan al-Thawri, Dawud al-Zahiri, al-Awza'i, and others, including schools that have since become extinct. Moreover, Ibn Rushd also includes the perspectives of mujtahids from among the disciples of these schools, such as the students of Abu Hanifah, Malik, and al-Shafi'i. This approach appears to aim at broadening intellectual horizons and opening the door to *ijtihad*, while at the same time rejecting the practice of blind *taqlid*. The book thus serves not merely as a guide, but also as an encouragement to explore Islamic law through deep and critical inquiry.⁷

The structure of this work follows a system similar to that of *fiqh* literature in general, beginning with matters of worship (*'ubūdiyyah*) such as purification (*ṭahārah*), prayer (*ṣalāt*), almsgiving (*zakāt*), fasting (*ṣawm*), and pilgrimage (*ḥajj*), followed by issues concerning jihad, marriage (*nikāḥ*), commercial transactions (*mu'āmalāt*), and finally criminal law (*jināyah*). However, some works of *fiqh* prioritize *mu'āmalāt* over jihad and marriage. This book consists of 71 *kitāb* (sections indicating different areas of discussion). Each *kitāb* is divided into several chapters (*bāb*). Specifically, in the *Kitāb al-Nikāḥ*, which serves as the primary focus of this research, there are five chapters: an introduction to marriage (Chapter 1), the conditions that validate a marriage (Chapter 2), matters that may lead to *khiyār* (the option to annul, Chapter 3), the rights of husband and wife (Chapter 4), and the types of marriages that are prohibited and invalid (Chapter 5).

In each chapter, Ibn Rushd examines several issues. The sequence of discussion for each issue begins with identifying the type of problem, followed by the opinions of the mujtahids, and concludes with the reasons for their differences (*ikhtilāf*). At times, these differences arise from varying interpretations of the Qur'an and hadith; at other times, they stem from divergent evaluations of the authenticity and status of the hadith used as legal evidence. It is this latter point that becomes the primary focus of this study—namely, the differences among scholars in assessing the degree of hadith authenticity and their implications for the laws of marriage guardianship (*wali nikah*) and dowry (*mahar*).

⁷ Majid Al-Hamwi, *Tahqiq Bidayat al-Mujtahid wa Nihayat al-Muqtasid*, (Beirut: Dar Ibn Hazm, 1995), 11-12.

Hadiths with Disputed Status

After examining the Kitāb al-Nikāḥ, the researcher identified 76 hadiths cited or mentioned by Ibn Rushd. In some instances, Ibn Rushd presents the hadith *matn* directly, while in others he only cites the name of the Companion who transmitted it. Among these 76 hadiths, two are subject to scholarly dispute regarding their status. The differences among scholars in assessing these hadiths have implications for marital law, particularly concerning *mahar* and the role of the marriage guardian (*wali*). In this regard, the researcher will present an analysis of the sanad that forms the basis of scholarly differences, along with the related *jarḥ wa al-ta'dīl*.

First Hadith: The Status of the Marriage Guardian

The first hadith concerns the status of a guardian in marriage. This hadith appears in the second chapter, under the second pillar (conditions of the marriage contract), specifically in the first section on guardianship, which discusses the wali as a condition for the validity of marriage. Scholars differ in their opinions regarding the necessity of a guardian as a condition for a valid marriage. Imam Malik holds that a marriage is invalid without a guardian, a view also shared by Imam al-Shafi'i. Slightly different from these two, Imam Abu Hanifah, Zufar, and al-Zuhri maintain that if a woman enters into a marriage contract without a guardian, but her husband is her equal (*kufū'*), then the marriage is permissible. Imam Dawud distinguishes between virgins and widows, arguing that the requirement of a guardian applies to virgins but not to widows. A fourth opinion, differing from the previous three, comes from the narration of Ibn al-Qasim from Malik, who states that having a guardian is recommended (*sunnah*) rather than obligatory. The basis for these differing opinions lies in the absence of a Qur'anic verse or hadith that explicitly stipulates the requirement of a guardian in marriage.

However, this study does not take the differences of opinion among scholars as its primary focus. Rather, the researcher concentrates on the hadiths whose status is disputed by scholars within this work. The first hadith that appears is the hadith concerning the invalidity of a woman's marriage without the permission of her guardian. This hadith is narrated by Imam al-Tirmidhi in his Sunan. The wording of the hadith is as follows:

حَدَّثَنَا ابْنُ أَبِي عُمَرَ حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنْ ابْنِ جُرَيْجٍ، عَنْ سُلَيْمَانَ بْنِ مُوسَى، عَنْ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: "أَيُّمَا امْرَأَةٍ نَكَحَتْ بِغَيْرِ إِذْنٍ وَلِيِّهَا، فَنِكَاحُهَا بَاطِلٌ، فَنِكَاحُهَا بَاطِلٌ، فَإِنْ دَخَلَ بِهَا فَلَهَا الْمَهْرُ بِمَا اسْتَحَلَّ مِنْ فَرْجِهَا، فَإِنْ اسْتَجَرُوا فَالْسلْطَانُ وَلِيُّ مَنْ لَا وَلِيَ لَهُ"⁸.

This hadith is also found in several other hadith collections, including *Sunan Abī Dāwud*, *Sunan al-Dārimī*, *Ṣaḥīḥ Ibn Ḥibbān*, and *al-Mustadrak ‘alā al-Ṣaḥīḥayn*. Across these six works, two variations of the hadith wording can be identified, as detailed below:

No	Kitab	Narrator	Hadith Matn	Hadith Number
1	<i>Sunan al-Tirmizī</i>	<i>al-Tirmizī</i>	أَيُّمَا امْرَأَةٍ نَكَحَتْ بِغَيْرِ إِذْنٍ وَلِيِّهَا ⁹	1.102
2	<i>Sunan Abī Dāwud</i>	<i>Abī Dāwud</i>	أَيُّمَا امْرَأَةٍ نَكَحَتْ بِغَيْرِ إِذْنٍ مَوْلَاهَا ¹⁰	2.083
3	<i>Sunan al-Dārimī</i>	<i>al-Dārimī</i>	أَيُّمَا امْرَأَةٍ نَكَحَتْ بِغَيْرِ إِذْنٍ وَلِيِّهَا ¹¹	2.230
4	<i>Musnad Aḥmad bin Ḥanbal</i>	<i>Aḥmad bin Ḥanbal</i>	أَيُّمَا امْرَأَةٍ نَكَحَتْ بِغَيْرِ إِذْنٍ وَلِيِّهَا ¹²	24.372
5	<i>Ṣaḥīḥ Ibn Ḥibbān</i>	<i>Ibn Ḥibbān</i>	أَيُّمَا امْرَأَةٍ نَكَحَتْ بِغَيْرِ إِذْنٍ وَلِيِّهَا ¹³	4.074

⁸ Muhammad ibn Isa ibn Saurah ibn Musa ibn al-Dahak, al-Tirmidzi, *Sunan al-Tirmidzi* ..., 2, 398.

⁹ Ibid.

¹⁰ Abu Dawud Sulaiman ibn Asy'as ibn Ishaq ibn Basyir ibn Syaddad ibn Umar al-Azdi al-Sajistani, *Sunan Abi Dawud*, (Beirut: al-Maktabah al-'Asriyah, tt.), 2, 229.

¹¹ Abu Muhammad Abdillāh ibn Abdirrahman ibn al-Faql ibn Bahram ibn Abdi al-Ṣamad al-Darimi, (Arab Saudi: Dar al-Mughni li al-Nasr wa al-Tauzi', 2000), 3, 1397.

¹² Abu Abdillāh Ahmad ibn Muhammad ibn Hanbal ibn Hilal ibn Asad al-Syaibani, *Musnad...*, 40, 435.

¹³ Muhammad ibn Hibban ibn Ahmad ibn Hibban ibn Mu'adz ibn Ma'bad al-Tamimi, *Al-Ihsan fi Taqrīb Ṣaḥīḥ Ibn Hibban*, (Beirut: Muassasah al-Risalah, 1988), 9,384.

6	<i>Al-Mustadrak</i> 'alā al- <i>Ṣaḥīḥain</i>	<i>al-Hākim</i>	أَيُّمَا امْرَأَةٍ نَكَحَتْ بِغَيْرِ إِذْنِ وَلِيِّهَا ^{١٤}	2.706
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Table 1.1: Variations in the Wording of the Hadith on Women
Marrying without a Guardian

This hadith serves as a *ḥujjah* for scholars who regard a guardian as a condition for the validity of marriage. However, there are differences regarding the obligation to act upon this hadith. According to the prevailing opinion, for those who do not accept the authenticity of the hadith, it is not obligatory to practice it. Conversely, for those who consider the hadith authentic, the permission of a guardian becomes a required condition for marriage (for women who have a guardian).

The Hanafi school, however, has classified this hadith as weak (*da'if*). One of the reasons for this classification is the existence of a narration reported by Ibn 'Ulayyah from Ibn Jurayj, in which he asked al-Zuhri about the hadith narrated from 'Ā'ishah, but al-Zuhri was unaware of it. For al-Zuhri, guardianship was not a condition for marriage, just as 'Ā'ishah also did not consider a guardian to be a requirement for the validity of marriage.¹⁵

They also argue on the basis of a hadith narrated by Ibn 'Abbās. This hadith is transmitted by Ibn Mājah in his Sunan. The wording of the hadith is as follows:

حَدَّثَنَا أَبُو كُرَيْبٍ، حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ، عَنْ حَجَّاجٍ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَعَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ، قَالَا: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: " لَا نِكَاحَ إِلَّا بِوَلِيِّ "، وَفِي حَدِيثِ عَائِشَةَ: " وَالسُّلْطَانُ وَلِيُّ مَنْ لَا وَلِيَ لَهُ "

This hadith is also found in several other hadith collections through six different chains of transmission from the Companions, namely 'Ā'ishah, Abu Hurayrah, Abu Musa, 'Abdullah ibn Qays, as well as Ibn 'Abbās and 'Ikrimah. Through the chain of 'Ā'ishah, this hadith is recorded in Ṣaḥīḥ Ibn Ḥibbān with a longer wording, namely:

¹⁴ Abu Abdullah Muhammad ibn Abdullah al-Hakim al-Naisaburi, *al-Mustadrak* ...,2, 182.

¹⁵ Abu al-Walid Muhammad ibn Ahmad ibn Muhammad ibn Ahmad ibn Rusyd al-Qurtubi, *Bidayatu al-Mujtahid*..., 3, 37.

لَا نِكَاحَ إِلَّا بِوَلِيِّ وَشَاهِدَيْنِ عَدْلٍ، وَمَا كَانَ مِنْ نِكَاحٍ عَلَى غَيْرِ ذَلِكَ، فَهُوَ بَاطِلٌ، فَإِنْ تَسَاجَرُوا فَالسُّلْطَانُ وَلِيُّ مَنْ لَا وَلِيَ لَهُ

As for the chain through Abu Hurayrah, this hadith is recorded in Ṣaḥīḥ Ibn Ḥibbān.

Through the chain of Abu Musa, it is found in *Sunan al-Tirmidhī*, *Sunan Abī Dāwud*, *Sunan Ibn Mājah*, *Sunan al-Dārimī*, and *Musnad Aḥmad ibn Ḥanbal* with a similar wording. From the chain of ‘Abdullah ibn Qays, it appears in *Sunan al-Dārimī*, *Musnad Aḥmad*, and *al-Mustadrak ‘alā al-Ṣaḥīḥayn*. From the chain of Ibn ‘Abbās, it is recorded in *Sunan al-Tirmidhī* and *Musnad Aḥmad*.

They argue that the hadith narrated by ‘Ā’ishah (أُمِّيَا امْرَأَةً) contradicts the hadith transmitted by Muslim, Abū Dāwud, al-Tirmidhī, and Mālik in his *al-Muwaṭṭa’*.¹⁶ The wording of the latter hadith is as follows:

حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ، وَفُتَيْبَةُ بْنُ سَعِيدٍ، قَالَا: حَدَّثَنَا مَالِكٌ. ح وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى، وَاللَّفْظُ لَهُ، قَالَ: قُلْتُ لِمَالِكٍ: حَدَّثَكَ عَبْدُ اللَّهِ بْنُ الْفَضْلِ، عَنْ نَافِعِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: "الْأَيِّمُ أَحَقُّ بِنَفْسِهَا مِنْ وَلِيِّهَا، وَالْبِكْرُ تُسْتَأْذَنُ فِي نَفْسِهَا، وَإِذَا نَهَا صُمَاتُهَا"، قَالَ: نَعَمْ.

The Hanafi school considers this hadith to possess a superior chain of *sanad* and to have an authenticity agreed upon, in contrast to the two previous hadiths. They classify the degree of the latter two as either *da‘īf* or *ḥasan*.¹⁷

To substantiate the status of this hadith, the researcher will present a table of its chain of transmission along with the *jarḥ wa al-ta‘dīl* of its narrators. The hadith examined here includes the narration of Imam al-Tirmidhī in *Sunan al-Tirmidhī*, Ibn Mājah in *Sunan Ibn Mājah*, and Muslim in *Ṣaḥīḥ Muslim*.

In the first narration reported by Imam al-Tirmidhī, the chain of transmission begins with ‘Ā’ishah (RA) as the primary narrator. She is followed by ‘Urwah as the second narrator and al-Zuhri as the third. In the fourth position is Sulaiman ibn Musa, with Ibn Jurayj as the fifth

¹⁶ Ibn Abidin al-Dimasyqi al-Hanafi, *Radd al-Muhtar...*, 3, 55.

¹⁷ Ibid, 3, 56.

and Sufyan ibn ‘Uyaynah as the sixth. The final transmitter in this chain is Muhammad ibn ‘Īsā al-Tirmidhī.

The quality of this hadith can be assessed through the biographical evaluation of the narrators within this chain. To facilitate understanding, the researcher presents their biographies in tabular form. The following table contains the biographies of the narrators of this hadith as recorded in the work:

No	Narrator	Born	Died	<i>Ṭabaqah</i>	Hadith Critic's Review
1	‘Ā’ishah	-	57 H	1	<i>Sahabah</i>
2	‘Urwah ibn Zubair	-	94 H	3	<i>Ṣiqah, Faqih, Masyhur</i>
3	Muhammad ibn Shihab Al-Zuhri	52 H	124 H	4	<i>Al-Faqih, al-Hafiz, Muttafaq ala Jalalatuhu</i>
4	Sulaiman ibn Musa	-	115/119 H	5	<i>Ṣadūq, Hasan al-Hadis</i>
5	Ibn Juraij al-Makky	74 H	150 H	6	<i>Thiqah</i>
6	Sufyan ibn ‘Uyaynah	107 H	198 H	8	<i>Thiqah, Hafiz, Hujjah</i>
7	Muhammad ibn Abi ‘Umar	-	243 H	10	<i>Thiqah</i>
8	Muhammad ibn ‘Isa al-Tirmidzi	-	279 H	12	<i>Thiqah, Hafiz</i>

Table 1.2: Chain of *Sanad* through ‘Ā’ishah (RA)

From the table above, it can be seen that the chain of this hadith is continuous from one narrator to the next. In terms of its sanad, the hadith is classified as ḥasan, since all of its narrators are declared

thiqah by al-Mizzi in *Tahdhīb al-Kamāl*,¹⁸ except for Sulaiman ibn Musa. Al-Dhahabi evaluates Sulaiman ibn Musa as *ṣadūq*.¹⁹

As for the second hadith narrated by Ibn Mājah, its chain of transmission goes through ‘Ā’ishah, Ibn ‘Abbās, and ‘Ikrimah as the primary transmitters. This is followed by ‘Urwah as the second narrator and al-Zuhri as the third. The fourth narrator in the chain is al-Ḥajjāj ibn Arṭa’ah. The fifth is ‘Abdullah ibn al-Mubarak, followed by Abu Kuraib as the sixth, and finally Ibn Mājah as the seventh and last narrator. The following table presents the biographies of the narrators of this hadith as recorded in the work:

No	Narrator	Born	Died	Ṭabaqah	Hadith Critic’s Review
1	‘Ā’ishah	-	57 H	1	<i>Sahabah</i>
1	Ibn ‘Abbas	-	68 H	1	<i>Sahabah</i>
1	Ikrimah	-	104 H	3	<i>Thiqah</i>
2	‘Urwah ibn Zubair	-	94 H	3	<i>Thiqah, Faqih, Masyhur</i>
3	Muhammad ibn Shihab al-Zuhri	52 H	124 H	4	<i>Al-Faqih, al-Hafiz, Muttafaq ala Jalalatuhu</i>
4	al-Hajjaj ibn Arta’ah	-	145 H	7	<i>Saduq, Katsir al-Khata’, Tadlis</i>
5	Abdullah ibn Al-Mubarak	118 H	181 H	8	<i>Thiqah, Faqih, Alim</i>

¹⁸ Yusuf Al-Mizzi, *Tahzib al-Kamal fi Asma’ al-Rijal*, (Beirut: Muassasah al-Risalah, 1983).

¹⁹ Syamsuddin Muhammad ibn Ahmad ibn Usman Al-Zahabi, *Siyar A’lam al-Nubala’*, (Beirut: Muassasah al-Risalah, 1985), 5, 435.

6	Abu Kuraib	161 H	248 H	10	<i>Thiqah, Hafiz</i>
7	Ibnu Majah al-Qazwainy	209 H	275 H	11	<i>Ahad al-Aimmah, Hafiz</i>

Table 1.3: Table 1.3: Chain of *Sanad* through ‘Ā’ishah, Ibn ‘Abbās, and ‘Ikrimah

From the table above, it can be seen that this hadith’s chain of transmission is continuous, and all narrators are declared *thiqah* by al-Mizzi,²⁰ except for al-Ḥajjāj ibn Arṭa’ah. Hadith scholars evaluate al-Ḥajjāj ibn Arṭa’ah as *ṣadūq*, yet *kathīr al-khaṭa’* and known for *tadlīs*.²¹

As for the third hadith narrated by Muslim, its chain of transmission begins with Ibn ‘Abbās as the first narrator, followed by Nāfi’ ibn Jubayr as the second, ‘Abdullah ibn al-Faḍl as the third, Mālik ibn Anas as the fourth, Yaḥyā ibn Yaḥyā al-Naysābūrī as the fifth, and finally Muslim ibn al-Ḥajjāj as the sixth and last narrator. The following table presents the biographies of the narrators of this hadith as recorded in the work:

No	Narrator	Born	Died	<i>Ṭabaqah</i>	Hadith Critic’s Review
1	Ibn ‘Abbas	-	68 H	1	<i>Sahabah</i>
2	Nafi’ ibn Jubair	-	99 H	3	<i>Thiqah, Fādil</i>
3	Abdullah ibn Al-Fadl	-	130 H	4	<i>Thiqah</i>
4	Malik ibn Anas	89 H	179 H	7	<i>Thiqah</i>
5	Yahya ibn Yahya Al-Naisaburi	142 H	226 H	10	<i>Thiqah, Subut, Imam</i>

²⁰ Yusuf Al-Mizzi, *Tahzib al-Kamal*.

²¹ Muhammad ibn Tal’at, *Mu’jam al-Mudallisin*, (Riyadh: Dar Adwa’ al-Salaf, 2005), 1, 130 – 133.

6	Muslim ibn Al-Hajjaj	204 H	261 H	11	<i>Thiqah, Hafiz, Imam</i>
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Table 1.4: Chain of *Sanad* through Ibn ‘Abbās

From the table above, it can be seen that this hadith’s chain of transmission is continuous, with no indication of disconnection between narrators. All transmitters are declared *thiqah* by al-Mizzi and are included among the *rijāl* of Muslim.²² This hadith is used as a *hujjah* by the Hanafis because it carries a higher degree of authenticity compared to the two previous hadiths. In addition, they argue that the role of a guardian is merely to conduct the marriage contract if the woman consents, since the Prophet (peace be upon him) granted the woman greater authority over herself than her guardian.

Second Hadith: The Minimum Standard of Mahar

The second hadith concerns dowry (mahar). This hadith is found in the second chapter, under the third pillar (dowry), in the first section on the laws and pillars of dowry, specifically the sub-point on its measurement. In general, scholars agree that there is no maximum limit for dowry. However, there is disagreement (ikhtilāf) regarding its minimum limit. Imam al-Shāfi‘ī, Aḥmad, Ishāq, Abū Thawr, and the jurists of Medina from among the tābi‘īn agree that there is no minimum limit for dowry. Some scholars, however, maintain that a minimum amount must be stipulated. Two schools differ on this matter: the schools of Imam Mālik and Abū Ḥanīfah. According to Imam Mālik, the minimum dowry is one-quarter of a gold dinar or three silver dirhams, equivalent to approximately 8.92 grams. Meanwhile, Imam Abū Ḥanīfah states that the minimum dowry is ten dirhams (29.75 g), though some narrations mention five dirhams (14.87 g), and others mention forty dirhams (119 g).

Once again, this study does not primarily focus on the differences of opinion among scholars, but rather on their disagreements concerning the evaluation of the hadith’s status in this matter.

The second hadith discussed is the one narrated by Jamal al-Dīn Abū al-Faraj ‘Abd al-Raḥmān ibn ‘Alī ibn Muḥammad al-Jawzī in his work I‘lām al-‘Ālam. The wording of the hadith is as follows:

²² Yusuf Al-Mizzi, *Tahzib al-Kamal*.

ثَنَا مُحَمَّدُ بْنُ نَاصِرٍ، ثَنَا مُحَمَّدُ بْنُ أَحْمَدَ بْنِ عَبْدِ الرَّزَّاقِ، أَنَا مُحَمَّدُ بْنُ عُمَرَ، ثَنَا عُمَرُ بْنُ أَحْمَدَ، نَبَا أَحْمَدُ بْنُ عِيسَى بْنِ السَّكِّينِ الْبَلَدِيِّ، نَبَا زَكْرِيَّا بْنُ الْحَكَمِ الرَّسَعِيِّ، نَبَا عَبْدُ الْقُدُّوسِ بْنُ الْحَجَّاجِ، ثَنَا مُبَشِّرُ بْنُ عُبَيْدٍ، ثَنَا الْحَجَّاجُ بْنُ أَرْطَاةَ، عَنْ عَطَاءٍ، وَعَمْرٍو بْنُ دِينَارٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا مَهْرَ دُونَ عَشْرَةِ دَرَاهِمَ».²³

This hadith is also found in several other hadith collections. Some narrations are transmitted through the Companion Jābir ibn ‘Abdillāh, while others are transmitted through the Companion ‘Alī ibn Abī Ṭālib. The narration through Jābir appears in *Tadhkirat al-Ḥuffāz*, *al-Majrūhīn*, *Dhakhīrat al-Ḥuffāz*, *al-Dirāyah*, and *al-Maqāṣid al-Ḥasanah*. Across these works, three variations of the hadith wording can be identified. The details of these variations in the respective sources are as follows:

No	Book	Narrator	Matn Hadith	Hadith Number
1	<i>I’lām al-‘Ālam ba’da Rusukhihi bi Nāsikh al-Ḥadīs wa Mansūkhīhī</i>	Jamaluddin Abu al-Farj Abdurrahman bin Ali bin Muhammad al-Jauzi	لَا مَهْرَ دُونَ عَشْرَةِ دَرَاهِمَ ²⁴	307
2	<i>Tazkirat al-Ḥuffāz</i>	Abu al-Fadhl Muhammad Thahir al-Muqdisi al-Syaibani (Ibn Tahir al-Qaisarani)	لَا مَهْرَ أَقَلُّ مِنْ عَشْرَةِ دَرَاهِمَ ²⁵	1.010

²³ Jamaluddin Abu al-Farj Abdurrahman ibn Ali ibn Muhammad al-Jauzi, *I’lam al-‘Alam ba’da Rusukhihi bi Nasikh al-Hadis wa Mansukhihi* , (Beirut: Dar Ibn Hazm, 2002), 1, 349.

²⁴ Ibid.

²⁵ Abu al-Fadhl Muhammad Thahir al-Muqdisi al-Syaibani (Ibn Tahir al-Qaisarani), *Tadzkiratu al-Huffadz*, (Riyadh: Dar al-Shami’i li al-Nasyr wa al-Tauzi’, 1994), 1, 391.

3	<i>Al-Majrūhīn min al-Muḥaddiṣīn wa al-Ḍu'afā' wa al-Matrūkīn</i>	Muhammad bin Hibban bin Ahmad bin Hibban bin Mu'adz bin Ma'bad al-Tamimi	لَا مَهْرَ دُونَ عَشْرَةِ دَرَاهِمٍ ^{٢٦}	1.074
4	<i>Ẓakhiratu al-Ḥuffāz</i>	Abu al-Fadhl Muhammad Thahir al-Muqdisi al-Syaibani (Ibn Tahir al-Qaisarani)	لَا مَهْرَ دُونَ عَشْرَةِ دَرَاهِمٍ ^{٢٧}	6.234
5	<i>Al-Dirāyah</i>	Abu al-Fadhl Ahmad bin Ali bin Muhammad bin Ahmad bin Hajar al-Asqolani	لَا مَهْرَ أَقَلِّ مِنْ عَشْرَةِ دَرَاهِمٍ ^{٢٨}	549
6	<i>Al-Maqāṣid al-Ḥasanah</i>	Syamsu al-Din Abu al-Khair Muhammad bin Abdurrahman bin Muhammad al-Sakhawi	لَا مَهْرَ أَقَلِّ مِنْ عَشْرَةِ دَرَاهِمٍ ^{٢٩}	1.314

Table 2.1: Variations in the Wording of the Hadith through the Chain of Jābir ibn ‘Abdillāh

Meanwhile, the hadith narrated through the Companion ‘Alī ibn Abī Ṭālib is found in *Sunan al-Dāruquṭnī*, *al-Sunan al-Kubrā by al-Bayhaqī*, and *Muṣannaf Ibn Abī Shaybah*.

²⁶ Muhammad ibn Hibban ibn Ahmad ibn Hibban ibn Mu'adz ibn Ma'bad al-Tamimi, *Al-Majruhin min al-Muhaddisin wa al-Duafa' wa al-Matrugin*, (Aleppo: Dar al-Wa'yi, 1396 H), 3, 31.

²⁷ Abu al-Fadhl Muhammad Thahir al-Muqdisi al-Syaibani (Ibn Tahir al-Qaisarani), *Dzakhiratu al-Huffadz*, (Riyadh: Dar al-Shami'i li al-Nasyr wa al-Tauzi', 1996), 5, 2668.

²⁸ Abu al-Fadhl Ahmad ibn Ali ibn Muhammad ibn Ahmad ibn Hajar al-Asqolani, *al-Dirayah*, (Beirut: Dar al-Ma'rifah, tt), 2, 63.

²⁹ Syamsu al-Din Abu al-Khair Muhammad ibn Abdurrahman ibn Muhammad al-Sakhawi, *al-Maqashid al-Hasanah*, (Beirut: Dar al-Kitab al-Araby, 1985), 1, 727.

No	Book	Narrator	Matn Hadith	Hadith Number
1	<i>Sunan al-Dāruqutnī</i>	Abu al-Hasan Ali bin Umar bin Ahmad bin Mahdi bin Mas'ud bin Nu'man bin Dinar al-Baghdadi al-Daruqutni	لَا مَهْرَ أَقَلَّ مِنْ عَشْرَةِ دَرَاهِمٍ ^{٣٠}	3.610
2	<i>Al-Sunan al-Kubrā li al-Baihaqī</i>	Abu Bakar al-Baihaqi	لَا مَهْرَ أَقَلَّ مِنْ عَشْرَةِ دَرَاهِمٍ ^{٣١}	14.387
3	<i>Muṣannaf Ibn Abī Syaibah</i>	Abu Bakar bin Abi Syaibah	لَا مَهْرَ بِأَقَلَّ مِنْ عَشْرَةِ دَرَاهِمٍ ^{٣٢}	12.323

Table 2.2: Variations in the Wording of the Hadith through the Chain of ‘Alī ibn Abī Ṭālib

This hadith is used by the Hanafi school as evidence that the minimum standard of *mahar* is ten silver dirhams (29.75 g).³³ The hadith in question is the one narrated through the Companion Jābir ibn ‘Abdillāh. However, hadith scholars classify this narration as weak, one of the reasons being the presence of Mubassyir ibn ‘Ubayd and al-Ḥajjāj ibn Arṭa‘ah, both of whom are regarded as da‘if (weak) by hadith authorities.³⁴

To verify whether this hadith is indeed weak, the researcher will present the chain of *sanad* along with the *jarḥ wa al-ta‘dīl* of its

³⁰ Abu al-Hasan Ali ibn Umar ibn Ahmad ibn Mahdi ibn Mas'ud ibn Nu'man ibn Dinar al-Baghdadi al-Daruqutni, *Sunan al-Daruqutni*, (Beirut: Muassasah al-Risalah: 2004), 4, 361.

³¹ Abu Bakar al-Baihaqi, *Al-Sunan al-Kubra li al-Baihaqi*, (Beirut: Dar al-Kutub al-Ilmiyyah, 2003), 7, 393.

³² Abu Bakar ibn Abi Syaibah, *Mushannaf Ibn Abi Syaibah*, (Riyadh: Maktabah al-Rusyd, 1409), 3, 493.

³³ Wahbah Al-Zuhayli, *Fiqh al-Islāmiyy wa Adillatuh* (Damaskus: Dār al-Fikr, 2007), jilid 9, halaman 6754-6756.

³⁴ Abu al-Walid Muhammad ibn Ahmad ibn Muhammad ibn Ahmad ibn Rusyd al-Qurtubi, *Bidayatu al-Mujtahid...*, 3, 47.

narrators. The hadith examined here is the narration of Jamāl al-Dīn ‘Abd al-Raḥmān ibn ‘Alī ibn Muḥammad al-Jawzī in his *I’lām al-‘Ālam*.

In this hadith, the chain of transmission begins with Jābir ibn ‘Abdillāh as the first narrator, followed by ‘Aṭā’ and ‘Amr ibn Dīnār as the second narrators. Al-Ḥajjāj ibn Arṭa‘ah is the third narrator, while Mubassyir ibn ‘Ubayd occupies the fourth position. The fifth narrator is ‘Abd al-Quddūs ibn al-Ḥajjāj, followed by Zakariyā ibn al-Ḥakam as the sixth, Aḥmad ibn ‘Īsā as the seventh, and ‘Umar ibn Shāhīn as the eighth. He is followed by Muḥammad ibn ‘Umar as the ninth narrator, Muḥammad ibn Aḥmad as the tenth, and finally Abū al-Faḍl ibn Nāṣir as the eleventh narrator, through whom the narration is transmitted by Muḥammad al-Jawzī in his *I’lām al-‘Ālam*.

The quality of this hadith can be determined by examining the biographies of the narrators within this chain. To facilitate understanding, the researcher presents these biographies in tabular form. The following table contains the biographical details of the hadith narrators as recorded in the work:

No	Narrator	Born	Dead	Ṭabaqah	Hadith Critic’s Review
1	Jabir ibn Abdillah	78 H	172 H	Sahabah	Sahabah
2	Atha’ ibn Abi Rabāh	26 H	114 H	3	Thiqah
	‘Amr ibn Dinar	46 H	126 H	4	Thiqah, Layyin al-Hadis
3	Al-Hajjaj ibn Artha’ah	-	145 H	7	Thiqah, Kaṣir al-Khata’, Tadrīs
4	Mubassyir ibn ‘Ubaid	-	-	7	Matrūk al-Hadis
5	Abdul Quddus ibn al-Hajjaj	-	212 H	9	Thiqah
6	Zakaria ibn al-Hakam	-	253 H	11	Maqbūl
7	Ahmad ibn Isa	-	323 H	13	Thiqah

8	Umar ibn Syahin	297 H	385 H	16	Şiqah
9	Muhammad ibn Umar	353 H	429 H	17	Şiqah
10	Muhammad ibn Ahmad	401 H	499 H	20	Şadūq Hasan al-Hadis
11	Abu al-Fadl ibn Nasir	467 H	550 H	22	Şiqah
12	Abu al-Farj ibn al-Jauzi	-	597 H		

Tabel. 2.3: Sanad dari Jalur Jabir bin Abdillah

From the following table, it is evident that the degree of this narration is *shadīd al-ḍaʿf* due to the presence of Mubassyir ibn ‘Ubayd, who was classified as *matrūk* by Ibn Ḥajar.³⁵

The Hanafi school also cites the hadith on the minimum standard of dowry through the narration of ‘Alī ibn Abī Ṭālib, which refers to the hadith in *al-Sunan al-Kubrā by al-Bayhaqī*.³⁶ However, its status remains *daʿīf* because of *sanad munqaʿi* within the narration. The following is the chain of transmission of the hadith as recorded in *al-Sunan al-Kubrā by al-Bayhaqī*:

No	Narrator	Born	Dead	Ṭabaqah	Hadith Critic's Review
1	Ali ibn Abi Talib	40 H	98 H	Sahabah	Sahabah
2	Maudi' Munqati'	-	-	-	-
3	Muhammad ibn Idris	150 H	204 H	9	Thiqah
4	Al-Rabi' ibn Sulaiman	-	270 H	11	Thiqah

³⁵ Ibn Hajar al-Asqalani, *Ithaf al-Muhirrah bi al-Fawaid al-Mubtakirah min Atraf al-'Asyrah*, (Madinah: Markaz Khidmah al-Sunnah wa al-Sirah al-Nabawiyyah), 3, 262.

³⁶ Ibn Abidin al-Dimasyqi al-Hanafi, *Radd al-Muhtar 'ala al-Dur al-Mukhtar*, (Beirut: Dar al-Fikr, 1992), 3, 101.

5	Muhammad ibn Ya'qub	247 H	346 H	14	<i>Thiqah Hafiz</i>
6	Muhammad ibn Musa	-	421 H	17	<i>Thiqah</i>
7	Abu Bakar al-Baihaqi	-	458 H		<i>Thiqah</i>

Table 2.4: Chain of *Sanad* through ‘Alī ibn Abī Ṭālib

According to hadith scholars, this hadith is classified as *da‘īf* because there is a break in the chain of transmission between Muḥammad ibn Idrīs and ‘Alī ibn Abī Ṭālib. However, the Ḥanafīs argue that if *ḥadīth da‘īf* has multiple chains of transmission, its degree may be elevated to ḥasan, provided that its weakness is not due to a narrator who is openly sinful (*fāsiq*).³⁷ This principle is consistent with what Maḥmūd Ṭaḥḥān states in his *Taysīr Muṣṭalaḥ al-Ḥadīth*, where he further adds that the disqualification applies in cases where the narrator is known to have fabricated hadith.³⁸

Upon investigation and tracing of the problematic narrators, the researcher found that Mubassyr ibn ‘Ubayd was widely abandoned by hadith scholars; al-Bukhārī even labeled him as *munkar al-ḥadīth*.³⁹ It is reported that he was a *qāri’ al-Qur’ān* (reciter of the Qur’an), which caused him to be preoccupied with this activity and left him with insufficient diligence (*ḍabt*) in preserving hadith.⁴⁰ Some other hadith scholars also assert that the hadiths transmitted by him are *mawḍū‘*, and he is recorded as having lied.⁴¹ Therefore, this hadith cannot be elevated to the category of *ḥasan li-ghayrih*.

³⁷ Ibn Nujaim al-Misri, *al-Bahr al-Ra’iq Syarḥ Kanz al-Daqa’iq*, (Dar al-Kitab al-Islami, tt.), 3, 152.

³⁸ Mahmud Tahhan, *Taisir Mustalah al-Hadis*, (Riyadh: Maktabah al-Ma’arif, 2010), 66.

³⁹ Muhammad ibn Ismail Al-Bukhari, *Al-Tarikh al-Kabir*, (Riyadh: Al-Mamlakah al-‘Arabiyyah al-Su’udiyah, 2019), 9, 330.

⁴⁰ Syamsuddin Muhammad ibn Ahmad ibn Usman Al-Zahabi, *Mizan al-I’tidal*, (Beirut: Dar al-Ma’rifah, tt), 3, 433.

⁴¹ Al-Uqaily, *Al-Du’afa al-Kabir li al-Uqaily*, (Beirut: Dar al-Kutub al-‘Ilmiyyah, tt), 4, 235.

Table 2.5: Chain of *Sanad* Scheme



The Impact of Differences in Hadith Authentication on the Laws of Marriage Guardianship and *Mahar*

The divergent assessments of hadith authenticity in the two cases discussed have direct implications for the law of marriage guardianship and the determination of the minimum standard of dowry in marriage. Regarding wali nikah, the two hadiths used as evidence by the majority of scholars are considered *daʿīf* in terms of their sanad by the Hanafi school. Nevertheless, the Hanafis do not outright reject the meaning of these hadiths; rather, they interpret that the presence of a guardian in marriage is not a condition for validity, but rather an authority figure under certain circumstances. As an alternative, they refer to a hadith narrated by Muslim, which they consider stronger, indicating that a guardian is not absolutely required for the marriage of a woman who is mature and of sound mind, provided that her prospective husband is her *kufūʾ*.

These differences in understanding have given rise to various approaches in dealing with the apparent contradictions between the hadiths. One approach is to particularize the meaning of the hadith declaring marriages without a guardian as invalid. In this context, invalidity may be understood as imperfection in marriage, rather than absolute nullification. Another approach is to interpret that a guardian still retains authority in specific situations, such as in the case of a woman who is incapable of making sound decisions—for example, a Muslim woman marrying a non-Muslim, a woman with special needs, or a bondswoman (*amah*).⁴²

The term “invalid” (*lā ṣiḥḥa*) in the hadith can thus be interpreted in two ways. First, as absolute annulment, whereby the guardian has the authority to nullify a marriage contracted without a suitable partner. Second, as annulment that can only be effected through the intervention of a guardian or a legal authority—meaning the marriage remains valid but can be revoked if the guardian raises an objection. By understanding the hadith within this framework, the differences of opinion can be harmonized and applied in accordance with evolving social contexts.

Meanwhile, with regard to the minimum standard of *mahar*, differences of opinion arise from the hadith used by the Hanafi school as evidence for setting a minimum limit of ten dirhams. This hadith is judged *daʿīf* by the majority of scholars due to the presence of

⁴² Ibn Abidin al-Dimasyqi al-Hanafi, *Radd al-Muhtar...*, 3, 56.

problematic narrators classified as *matrūk al-ḥadīth* or *munkar al-ḥadīth*. The Hanafis argue that *daʿīf* hadith can be elevated to the status of *ḥasan li-ghayrih* if supported by sufficient corroborating chains of transmission and if its weakness does not stem from a narrator known for *fāsiq*. However, in this case, no sufficient corroborating chains were found to strengthen the hadith, and thus it remains classified as weak.

The implications of this disagreement are evident in Islamic legal practice. The majority of scholars, who reject the authenticity of this hadith, prefer not to stipulate a minimum standard for dowry, basing their view instead on authentic hadiths (*ṣaḥīḥ*) that indicate a dowry may be of any amount as long as both parties agree. The Hanafi school, on the other hand, continues to uphold a minimum dowry requirement, following the principle of precaution in matters of marriage law. Ibn Rushd himself, however, expressed doubt regarding the authenticity of the hadith stipulating a minimum of ten dirhams. According to him, if the hadith were indeed authentic, then the narration of Sahl ibn Saʿd—which permits a dowry in the form of an iron ring—must be understood as a specific exception rather than a general rule. This doubt further strengthens the argument of the majority that there is no minimum dowry in marriage.

In this matter, Ibn Rushd adopts a neutral approach, avoiding hasty judgments and emphasizing caution in evaluating hadiths that appear contradictory. His method reflects a critical and contextual perspective in addressing Islamic law, one that always considers multiple possibilities and seeks balance between available hadiths, so that the law can be applied wisely within the framework of fiqh practice.

CONCLUSION

After conducting an examination of *Bidāyat al-Mujtahid*, this study found that differences in hadith authentication have a significant impact on Islamic law, particularly regarding marriage guardianship and the minimum standard of *mahar*. The Hanafi school, which rejects the hadith stipulating a guardian as a condition for the validity of marriage, interprets the role of the wali as more authoritative rather than as an absolute pillar (*rukṇ*). Meanwhile, the majority of scholars continue to uphold this hadith, making the guardian a requirement for a valid marriage.

In matters of dowry, the hadith employed by the Hanafi school to establish a minimum standard of ten dirhams is deemed weak (*daʿīf*) by hadith scholars due to the presence of problematic transmitters. This is one of the reasons why the majority of scholars do not stipulate a minimum standard for dowry. Although the Hanafis maintain that a weak hadith can be elevated to *ḥasan li-ghayrih*, the absence of sufficient supporting chains leaves this hadith classified as weak.

More broadly, this study demonstrates that hadith criticism and differences among schools of thought in interpreting hadith affect not only theoretical discourse but also the practical application of law in various Muslim countries. Therefore, a deeper understanding of the methodology of hadith criticism is essential for developing Islamic legal rulings that are more contextual and responsive to contemporary developments.

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